



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
1235 Mission Street
San Francisco, CA 94103

JUL 30 1990

Fred H. Avers
Vice President and Director
Production Operations
Van Camp Seafood Company, Inc.
Boatman's Tower
100 North Broadway, Suite 900
St. Louis, Missouri 63102

RE: Issuance of Special Ocean Dumping Permit for VCS Samoa
Packing Company, Inc. (OD 90-02)

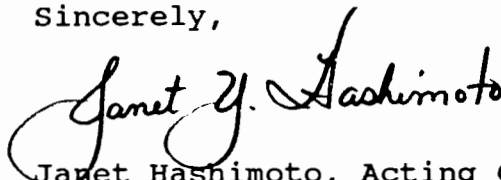
Dear Mr. Avers:

The U.S. Environmental Protection Agency Region 9 is issuing a special ocean dumping permit to VCS Samoa Packing Company, Inc. (OD 90-02) under § 102 of the Marine Protection, Research and Sanctuaries Act. The effective date of the permit and the ocean disposal site is July 31, 1990. The permit authorizes disposal of fish processing wastes off American Samoa for a three year period. We received a comment letter on the draft revised special permit from Mr. Thomas P. Redick, Esq. on behalf of VCS Samoa Packing Company, Inc. (June 5, 1990). He advised EPA Region 9 that the revised draft permit is acceptable to VCS Samoa Packing company. No negative comments were received on the draft revisions to the ocean dumping permit during the 30 day comment period from May 7, 1990 to June 7, 1990. Therefore, EPA Region has determined that the special ocean dumping permit should be issued.

Information gathered during the term of the special permit, previous information gathered under ocean dumping permits OD 79-01, OD 79-02, OD 86-01, OD 87-01, OD 88-01 and OD 88-02, and the Modeling Report will be used to continue EPA Region 9's management of the fish processing waste disposal program off American Samoa. This includes an evaluation of the temperature data to determine whether the summer discharge rate can be revised at a future date. If at any time EPA Region 9 determines that the disposal operations do not meet the ocean dumping regulations at 40 C.F.R. Parts 220 through 228, we will reconsider use of the designated site.

If you have any questions regarding the foregoing, please contact Patrick Cotter, Regional Ocean Dumping Coordinator, at (415) 705-2162.

Sincerely,

A handwritten signature in black ink, reading "Janet Y. Hashimoto". The signature is fluid and cursive, with the first name "Janet" and last name "Hashimoto" clearly legible. The middle initial "Y." is written in a smaller, more compact style.

Janet Hashimoto, Acting Chief
Wetlands, Oceans and Estuaries Branch
EPA Water Management Division

Enclosure

cc: Dyke Coleman, American Samoa EQC
Pati Faiai, American Samoa EPA
Tautai A.F. Fa'alevao, American Samoa Attorney General
Maurice Callaghan, StarKist Samoa
Norman Wei, StarKist Seafoods
Gordon Stirling, VCS Samoa Packing Company
Thomas Redick, Esq., Lillick & McHose
John Ciko, Esq., H.J. Heinz Co.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
1235 Mission Street
San Francisco, CA 94103

JUL 30 1990

RE: Issuance of Special Ocean Dumping Permits for StarKist Samoa, Inc. (OD 90-01) and VCS Samoa Packing Company, Inc. (OD 90-02)

Dear Interested Party:

The U.S. Environmental Protection Agency Region 9 is issuing special ocean dumping permits to StarKist Samoa, Inc. (OD 90-01) and VCS Samoa Packing Company, Inc. (OD 90-02) under § 102 of the Marine Protection, Research and Sanctuaries Act. The effective date of the permits and the ocean disposal site is July 31, 1990. These permits authorize disposal of fish processing wastes off American Samoa for a three year period. No negative comments were received on the draft revisions to the ocean dumping permits during the 30 day comment period from May 7, 1990 to June 7, 1990. Therefore, EPA Region has determined that the special ocean dumping permits should be issued.

Information gathered during the term of the special permits, previous information gathered under ocean dumping permits OD 79-01, OD 79-02, OD 86-01, OD 87-01, OD 88-01 and OD 88-02, and the Modeling Report will be used to continue EPA Region 9's management of the fish processing waste disposal program off American Samoa. If at any time EPA Region 9 determines that the disposal operations do not meet the ocean dumping regulations at 40 C.F.R. Parts 220 through 228, we will reconsider use of the designated site.

If you have any questions regarding the foregoing, please contact Patrick Cotter, Regional Ocean Dumping Coordinator, at (415) 705-2162.

Sincerely,

A handwritten signature in cursive script, reading "Janet Y. Hashimoto", is written over a circular stamp.

Janet Hashimoto, Acting Chief
Wetlands, Oceans and Estuaries Branch
EPA Water Management Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

16 NOV 1992

James L. Cox
Director of Engineering
and Environmental Affairs
Van Camp Seafood Company, Inc.
4510 Executive Drive, Suite 300
San Diego, CA 92121-3029

Re: Emergency Vessel for Ocean Disposal Permit
No. OD 90-02 Special

Dear Jim:

Pat Cotter and I reviewed Van Camp's plan to purchase the M/V VICTORIA for use as a backup vessel for transport and disposal of fish processing waste under its Ocean Disposal Permit No. OD 90-02 Special. The vessel would be used only in emergencies, in the event the main waste transporter indicated in the permit, could not operate. As outlined in your letter of October 29, 1992, the boat would only haul wastewater from the Samoa Packing tuna cannery, and would carry 35,000 gallons per trip for 2 trips per day for five days. An estimated 100,000 gallons would be stored in land-based tanks for weekend disposal consisting of three trips.

Based on the information provided on the dimensions and specifications of the M/V VICTORIA, we find that this vessel would be an acceptable backup to the main vessel. However, prior to using the M/V VICTORIA for disposal purposes, the existing permit must be modified to include this vessel as an emergency waste transporter. A letter should be sent to U.S. EPA requesting such a permit modification. Also, the application for renewal of the existing permit should also include the M/V VICTORIA, as well as the main waste transporter.

Should you have any questions regarding this matter, please contact me at (415) 744-1591, or Pat Cotter at (415) 744-1163.

Sincerely,

Pat Young
Pat Young
American Samoa Program Manager
Office of Pacific Island and
Native American Programs (E-4)

-2-

cc: Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Michael Macready, Samoa Packing Co.
Patrick Cotter, W-7-1

Copy to Pat C.



VAN CAMP
SEAFOOD
COMPANY, INC.

June 22, 1993

Pat Young, Program Manager
U.S.E.P.A., Region 9
Office of Pacific Island and
Native American Programs
75 Hawthorne Street
San Francisco, CA 94105-3901

ATTN: Pat Young, Program Manager

RE: Ocean Dumping Permit Comments

Dear Ms. Young:

I have the following comments after review of the draft permit OD93-02 special for VCS Samoa Packing Company, Inc.

① Section 3.3.5 requests that the cannery conduct a complicated bioassay testing regimen (previously done in July 1987) and re-evaluate the computer modeling done by SOS Environmental, Inc. done in March 1990.

VCS Samoa Packing Company, Inc. requests that the requirements for retesting and remodeling be eliminated from this permit because the waste streams being dumped (precooker water, press water, and DAF sludge) are the same streams tested in 1987 and computer modeled in 1990. The increased data base of samples since 1990 has allowed EPA to evaluate the limits and in fact propose to reduce most limits.

The monitoring report and data indicate that water quality parameters meet ambient conditions of the ocean before the boundary of the disposal site (5.45 miles offshore).

In summary, VCS Samoa Packing, Inc. respectfully request that bioassay and remodeling be removed because it will be redundant testing while actual ocean dumping monitoring reports indicate the current site and procedures are working as predicted by previous testing to protect the environment.

Ms. Pat Young - USEPA

Page 2

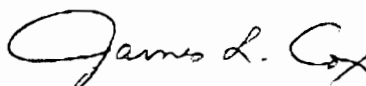
	DAF		PRECOOKER WATER		PRESS WATER	
PARAMETER	NEW	OLD	NEW	OLD	NEW	OLD
TSS	461,790	492,000	115,180	257,290	381,510	463,780
TVS	455,560	308,700	84,450	358,180	409,310	384,560
BOD	349,350	443,840	64,650	60,220	365,550	524,270
O&G	395,700	282,750	11,180	207,830	165,860	386,480
TP	3,790	3,910	1,850	2,170	2,950	6,860
TK	21,820	14,950	12,830	20,820	35,100	32,020
AMMONIA	3,470	2,570	410	2,740	830	4,940
pH	4.8-7.0	5.5-7.0	5.5-6.6	5.5-7.0	5.5-6.8	5.5-7.0
DENSITY	.86-1.05	.85-1.08	.95-1.06	.96-1.04	.96-1.06	.98-1.07

(2) Regarding limits, ignoring pH and density, 15 of 21 limits were reduced. Results of grab samples of nonhomogeneous solutions are normally wide in range. VCS Samoa Packing Company is concerned that the EPA is establishing limits too narrow and low in range which could cause violations in the future. Of specific concern is precooker water ammonia (the new limit would have been exceeded 5 times in the last permit period) and precooker water oil and grease (exceeded 4 times in last permit period). A higher limit is required for these two parameters.

(3) Regarding pH, why would the new limit for precooker and press water upper limit be lower than 7.0? It is suggested that the upper limit remain at 7.0 to give the cannery the option to range as high as 7.0 which is more beneficial to equipment.

Thank you for considering the above requested changes.

Sincerely,



James L. Cox
Director of Engineering
and Environmental Affairs

JLC:ms

cc: Tony Tausaga - ASEPA
062293.1JC



Copy to W. H. K.
Mike

VCS SAMOA
PACKING
COMPANY

May 7, 1993

Pat Young, Samoa Program Manager
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Pat:

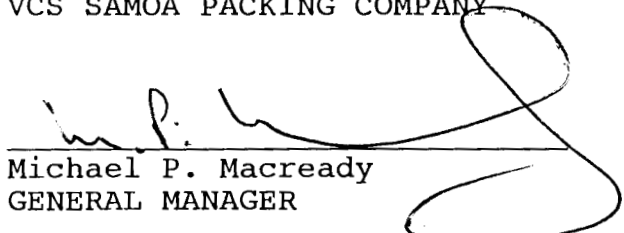
Pursuant to the requirements of the EPA letter dated April 28, 1993, regarding weekly reporting requirements while the ASTRO is under tug boat tow, SAMPAC submits that no violations of any conditions of the current ocean dumping permit has occurred during the week beginning May 2, 1993.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

Sincerely,

VCS SAMOA PACKING COMPANY


Michael P. Macready
GENERAL MANAGER

MPM:mtp

cc: Tony Tausaga, ASEPA



VCS SAMOA
PACKING
COMPANY

MAY 11 1993 *Sw* *Mike*

April 30, 1993

Pat Young, Samoa Program Manager
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Pat:

Pursuant to the requirements of the EPA letter dated April 28, 1993, regarding weekly reporting requirements while the ASTRO is under tug boat tow, SAMPAC submits that no violations of any conditions of the current ocean dumping permit has occurred.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

Sincerely,

VCS SAMOA PACKING COMPANY

M.P. Macready
Michael P. Macready
GENERAL MANAGER

MPM:mtp

cc: Tony Tausaga, ASEPA

Copy to Pat O.
Mike L.



VAN CAMP
SEAFOOD
COMPANY, INC.

April 19, 1993

Pat Young
American Samoa Program Manager
USEPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Pat:

I received your letter regarding the plotter for the GPS. I believe this plotter is a good thing to have. However, the other things in your letter such as digital data transmission for disposal port open/close indication, flow rate, speed, and discharge times being fed into a central computer and printed out seems to me to be too much technology for our sludge operator in American Samoa to handle and extremely expensive to install and maintain.

The new sludge hauler, Blue North Fisheries, will have a more modern boat and our confidence level is very high in their capabilities to provide accurate, reliable service to the canneries.

Attached are two pages of information about the new boat, Blue North. The drawing is blurry, but the best I have now. I request that you share this with Pat Cotter and begin the process of obtaining permission for the canneries to use this vessel sometime in the near future. It should arrive in Samoa by June 1. The official date to start hauling is July 31, 1993. However, we would like the Coast Guard and EPA to allow him to begin earlier in the event the present hauler discontinues for any reason.

If further information is required, please advise. Thanks for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "James L. Cox".

James L. Cox
Manager, Engineering and
Environmental Affairs

JLC:ms
041993.5JC



VAN CAMP
SEAFOOD
Company, Inc.

F A C S I M I L E M E S S A G E

4510 Executive Drive, #300
San Diego, CA 92121

PHONE: 619-597-4212
FAX NO: 619-597-4282 or
-4285

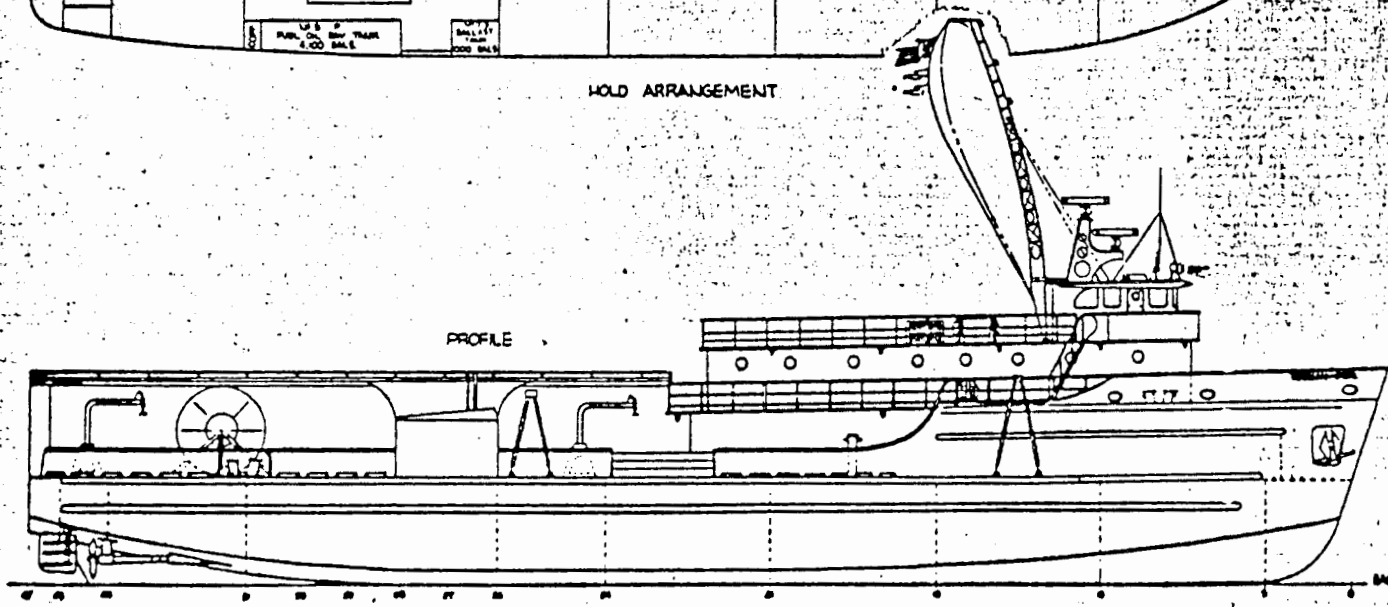
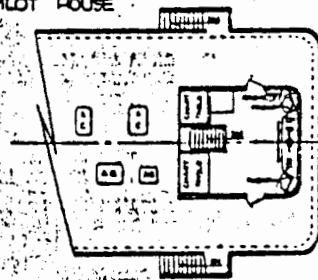
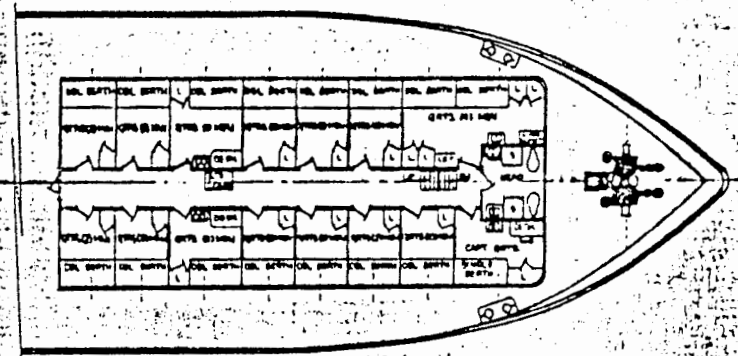
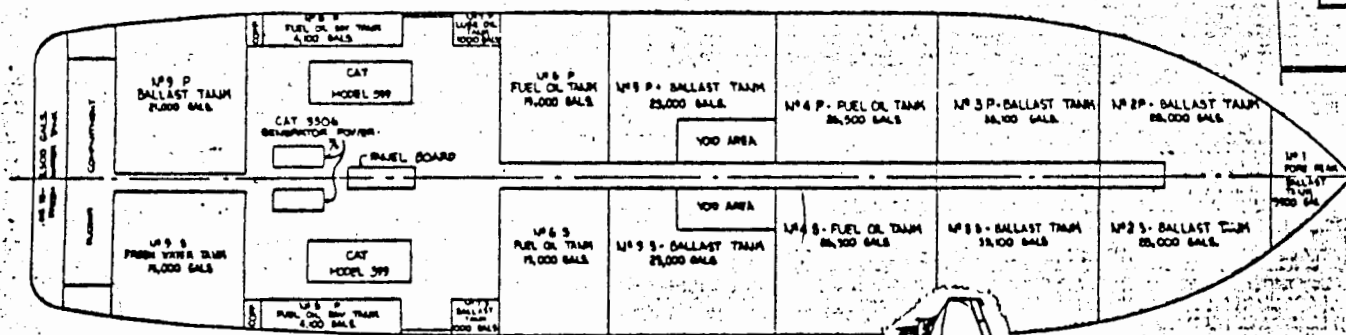
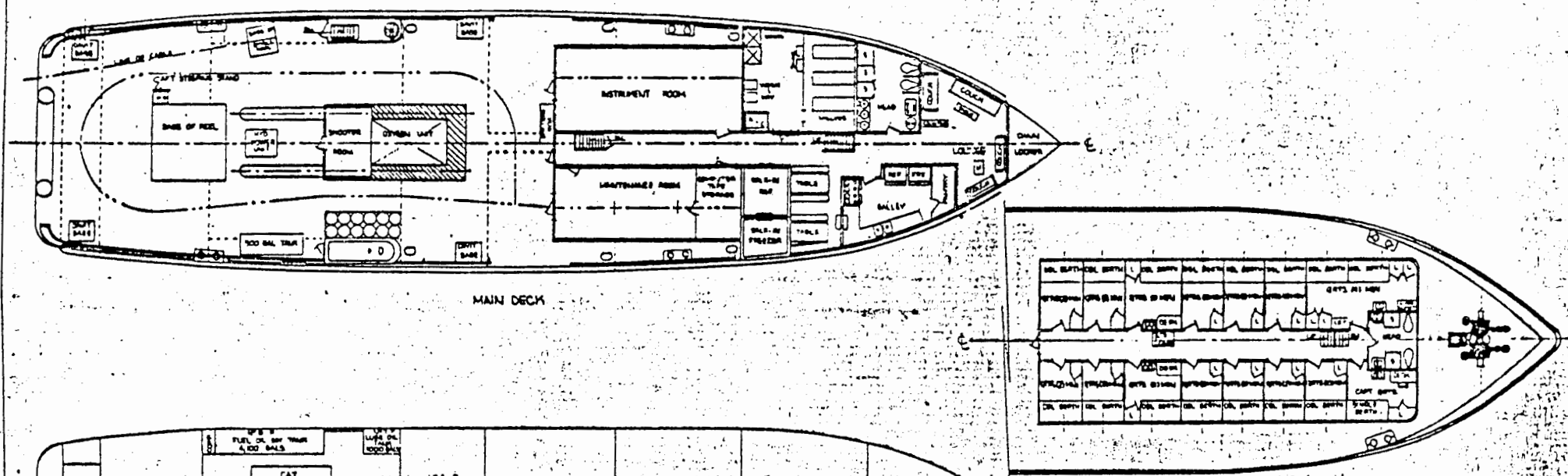
TO: MICHAEL BURNS DATE: 4/5/93
FAX: 206-782-3242
BLUE NORTH FISHERIES INC PAGE 1 OF 1 PAGES
FROM: JIM COX *Jim Cox*

Please provide a data sheet that I can send the EPA with the following information:

1. Name of Vessel: BLUE NORTH
2. Any Certification: ABS LOADLINE
3. Size of Vessel (LxWxH): REG. 155 x 38 x 13.5
4. Sludge Hauling Capacity (Gallons): 230,000 GAL
5. Maximum Rated Speed (Knots): 12 KN 10 KN OPERATING SPEED
6. Maximum Sludge Pumping Capacity: 1400 GL/MIN
7. Location of Discharge Port (below water):
PORT & STARBOARD BELOW ENGINE EXHAUST TRUNKS
8. Navigational Gear (What & Mfg):
FURUND G.P.S.

I did receive the drawings and one photograph. Thanks.

JLC:ms





VAN CAMP
SEAFOOD
COMPANY, INC.

DEC 10 1992 *JS*
Copy to Pat Cotes
Check to Finance
Copy to Mike

December 8, 1992

U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

ATTN: Pat Young, Program Manager

Dear Pat:

Enclosed find three (3) copies of the Application for Ocean Dumping Permit dated December 1, 1992 submitted on behalf of VCS Samoa Packing Company and the processing fee of \$1,000.

More information will be available soon on the future vessel for the main hauling contract. Please advise if any further information is required.

Sincerely,

James L. Cox
Director of Engineering
and Environmental Affairs
VAN CAMP SEAFOOD COMPANY, INC.

JLC:ms

Enclosures (4)

cc: Mr. Pati Fai'ai, Director, American Samoa EPA
Mr. Michael Macready, General Manager, Samoa Packing Co
120892.2JC

12/07/92	LOCATION VAN CAMP SEAFOOD	NET AMOUNT \$1,000.00	SUPPLIER NAME U.S. EPA REGION 9	ATT
OFFICE NO.	DATE	AMOUNT	INVOICE DESCRIPTION	
0192	12/01/92	\$1,000.00	'93 OCEAN DUMPING PERMIT APP (619) 597-4539	
FOR FURTHER INFORMATION, PLEASE CALL:				



VAN CAMP SEAFOOD COMPANY, INC.

4510 Executive Drive
Suite 300
San Diego, CA 92121

LOC./SUPPLIER NO.
401 5018

DATE
12/07/92

BANK
CODE CHECK
1 211146

211146

82-91
1021

AMOUNT

\$1,000.00

VOID 90 DAYS AFTER DATE

PAY EXACTLY

**ONE THOUSAND DOLLARS AND 00 CENTS

U.S. EPA REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

PAY
TO THE
ORDER
OF*Mark D. Higgins*

2808 North Avenue, Grand Junction, Colorado 81501
MESA UNITED BANK
OF GRAND JUNCTION

⑈ 211146 ⑈ ⑆ 102100918 ⑆ 606 0000182 ⑈



VCS SAMOA
PACKING
COMPANY

APR 14 1992 *Sh*
Copy to P. Collier,
Mike Lee

April 7, 1992

Norman L. Lovelace
Chief, Office of Pacific Island
and Native American Programs
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Lovelace:

Enclosed please find document as required per Docket No.
MPRSA-AX-91-01 Consent Agreement clause 15.

Should additional information be required, please advise.

Sincerely,

VCS SAMOA PACKING COMPANY

M.P. Macready

Michael P. Macready
GENERAL MANAGER

mtp

enclosure

PAGO MARINE INC.

P.O. Box 4058
Pago Pago, AS 96799

Phones: (684) 633 1069
(684) 633 5576
Fax: (684) 633 5898

Tuesday April 7th 1992

The General Managers,

→ VCS Samoa Packing Co. Inc.,
P.O. Box 957,
Pago Pago, AS 96799

Star-Kist Samoa Inc.,
P.O. Box 368,
Pago Pago, AS 96799

(Attn: Mr M. Macready)

(Attn: Mr M. Callaghan)

re: Docket No MPRSA-IX-01: Consent Agreement Clause 15.

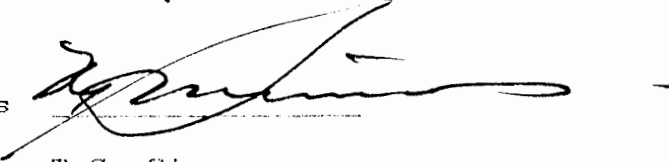
STATEMENT BY CAPTAIN M.V. ASTRO

I, Seselili Pomana, Captain M.V. Astro confirm that I have received instruction, and understand the requirements of Special Conditions 4.3 and 4.4 of the Ocean Disposal Permits. Further, that I believe I am capable of ensuring compliance with these conditions and will, to the best of my ability, ensure that the conditions are met.

Signed



Witness



T.C. Simmons
Acting General Manager
Pago Marine Inc.



VCS SAMOA
PACKING
COMPANY

Rec'd. EPA 8/21/90
Copy to P. Cotter +
Mike Lee

August 15, 1990

Office of Pacific Island and
Native American Programs (E-4)
U.S. Environmental Protection Agency, Region 9
1235 Mission Street
San Francisco, CA 94103

Dear Sirs:

This letter provides information requested in the Marine Protection, Research and Sanctuaries Act Ocean Dumping Permit, Number OD 90-02 Special, for VCS Samoa Packing Company, Inc. In particular, responses in reference to parts 3.2.1. and 5.4.2. of the permit. Two copies of this letter are provided to you, per instructions in the permit.

Please be advised there have been no changes in either area since the previous permit. Our contract laboratory (per part 3.2.1.) remains as AECOS Laboratories in Hawaii. The Principal Investigator for field monitoring operations at the dump site (per part 5.4.2.) still will be George Scanlan from VCS Samoa Packing Company, Inc.

Should additional information be needed, do not hesitate to call or write.

Sincerely,

Lisa Brown
Quality Control/Sanitation Manager
VCS Samoa Packing Company

c. Madelyn Parks, VCS - St. Louis



VAN CAMP
SEAFOOD
COMPANY, INC.

February 14, 1992

Office of Pacific Island and Native American Programs (E-4)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Ocean Dumping Permit OD 90-02 Special

Dear Sirs:

Pursuant to the requirements of the above-referenced permit, we are herewith submitting the six-month ocean dumping report for the period of July, 1991 through December, 1991 for VCS Samoa Packing Company, Inc. Enclosed are the following:

- Volumes of DAF Sludge, Press Water, and Precooker Water Removed
- Results of Monthly Waste Stream Analyses
- Amounts of Polymer and Alum Added
- Monthly Site Monitoring Reports
- Copies of Vessel Logbooks

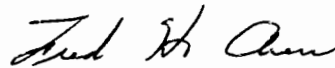
The following comments are offered in support of the enclosed documents:

1. Volumes of DAF Sludge include total amounts removed of all three waste streams: DAF sludge, press water, and precooker water. Press water and precooker water are measured as they enter the DAF sludge tank. However, these two waste streams may be pumped to the sludge tank on days when no ocean disposal trip is scheduled. When disposal trips are scheduled, the combined waste streams are measured as they are pumped from the sludge tank to the boat.
2. Precooker water volumes reported for the period of September, 1991 through December, 1991 include both precooker water and press water. The meter normally used to record press water volumes separately, which is located in the discharge line of the centrifuge, was inoperable during this time period due to a breakdown of the centrifuge. After considerable delays in obtaining parts, the centrifuge has since been repaired and was put back into service on January 22, 1992.

3. Certain analyses are unavailable due to samples failing to arrive at the contracted laboratory intact or in a condition suitable for analysis. These are marked "n.a." for "Not Available" on the attached sheets.
4. Due to space constraints on the analysis sheets, petroleum hydrocarbons are reported in mg/l rather than ug/l.

Please advise if additional information is required.

Sincerely,



Fred H. Avers
Executive Vice President
Production Operations

cc(3) Complete Report: Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799

cc(1) Complete Report: General Manager
VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

cc(2) Vessel Logs Only: Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799

cc(1) Except Vessel Logs: Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822 - 2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

(MAX. PERMITTED, ALL WASTE STREAMS, 200,000 GALS/DAY)

DAY	07/91		08/91		09/91		10/91		11/91		12/91	
	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS
1	130,564	544.5	152,118	634.4			88,396	368.6	89,922	375.0		
2	72,300	301.5	91,195	380.3			88,905	370.7	180,725	753.6		
3	92,234	384.6					156,003	650.6	169,838	708.2	113,101	471.6
4	78,502	327.4			93,931	391.7	92,282	384.8	49,673	207.1	86,106	359.1
5			88,383	368.6	134,428	560.6	91,471	381.4	90,441	377.2	88,147	367.6
6			90,832	378.8	91,589	381.9			89,932	375.0	88,150	367.6
7			90,719	378.3			79,646	332.1	90,588	377.8		
8	90,966	379.3	90,982	379.4			88,912	370.8	91,211	380.4		
9	89,919	375.0	139,308	580.9	91,867	383.1	87,868	366.4				
10	86,968	362.7			91,471	381.4	89,667	373.9				
11	91,641	382.2			90,441	377.2	141,293	589.2	101,417	422.9		
12	88,780	370.2	86,968	362.7	91,589	381.9			90,441	377.2		
13	92,282	384.8	89,166	371.8	128,255	534.8			111,402	464.6	133,092	555.0
14			127,405	531.3					113,527	473.4	86,692	361.5
15	87,492	364.9	89,166	371.8			90,966	379.3	113,656	474.0	175,055	730.0
16	85,980	358.5	90,195	376.1	90,200	376.1					86,030	358.8
17	79,152	330.1			133,987	558.7	101,181	421.9			86,692	361.5
18	89,919	375.0			90,966	379.3	139,823	583.1	151,472	631.7	80,269	334.7
19	168,096	701.0	92,824	387.1	90,966	379.3	90,586	377.8	89,730	374.2	87,874	366.4
20			127,244	530.6	91,244	380.5			152,746	637.0	86,692	361.5
21			91,244	380.5			141,591	590.5	152,819	637.3		
22	47,678	198.8	90,060	375.6			173,399	723.1	157,819	658.1		
23	71,756	299.2	90,441	377.2	112,855	470.6	158,339	660.3	173,823	724.9	88,147	367.6
24	86,968	362.7			91,891	383.2	149,596	623.8				
25	90,586	377.8			89,804	374.5			81,824	341.2		
26	90,966	379.3	90,586	377.8	146,598	611.3			73,702	307.3	41,797	174.3
27	90,830	378.8	91,471	381.4	93,143	388.4			86,692	361.5	147,057	613.2
28			92,019	383.7			148,032	617.3				
29	77,298	322.3	138,723	578.5			90,719	378.3	87,346	364.2		
30	92,234	384.6	95,215	397.1	156,676	653.4	90,200	376.1				
31	93,019	387.9	75,928	316.6			89,922	375.0				
AVERAGE	90,255	376.4	100,095	417.4	105,363	439.4	112,218	468.0	112,641	469.7	98,327	410.0
	GALS		TONS									
6-MONTH AVE.	103,150		430.2									
	RANGE	41,797	TO	180,725	174.3	TO	753.6					

SAMOA PACKING COMPANY - 6-MONTH OCEAN DUMPING REPORT - PERMIT OD 90-02 SPECIAL

PRESS WATER TO DAF (MAX. PERMITTED 40,000 GALS/DAY)

DAY	07/91		08/91		09/91		10/91		11/91		12/91	
	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS
1	1,000	4.3	660	2.8								
2	6,000	25.7	160	0.7								
3	2,500	10.7	100	0.4								
4												
5												
6			450	1.9								
7			190	0.8								
8	1,500	6.4	880	3.8								
9	500	2.1	70	0.3								
10	5,400	23.2	430	1.8								
11	7,800	33.5	300	1.3								
12	6,700	28.7	1,240	5.3								
13			880	3.8								
14			14,120	60.6								
15	900	3.9	860	3.7								
16	8,700	37.3	210	0.9								
17	3,900	16.7	960	4.1								
18	9,100	39.0										
19	6,600	28.3	1,340	5.7								
20			1,110	4.8								
21			880	3.8								
22	1,300	5.6	2,560	11.0								
23	8,900	38.2	690	3.0								
24	8,200	35.2	810	3.5								
25	6,700	28.7										
26	9,800	42.0	480	2.1								
27			570	2.4								
28			460	2.0								
29	800	3.4	1,950	8.4								
30	7,400	31.7	190	0.8								
31	8,300	35.6	60	0.3								

SEPARATE PRESS WATER VOLUMES UNAVAILABLE.

COMBINED WITH PRECOOKER WATER VOLUMES FOR THIS TIME PERIOD.

AVERAGE 5,333 22.9 1,208 5.2

6-MONTH AVE. GALS TONS
3,271 14.0

RANGE 60 TO 14,120 0.3 TO 60.6

SAMOA PACKING COMPANY - 6-MONTH OCEAN DUMPING REPORT - PERMIT OD 90-02 SPECIAL

PRECOOKER WATER TO DAF (MAX. PERMITTED 100,000 GALS/DAY)

DAY	07/91		08/91		09/91		10/91		11/91		12/91	
	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS	GALS	TONS
1	68,000	283.2	72,500	302.0			68,400	284.9	41,200	171.6		
2	59,800	249.1	35,400	147.4	38,600	160.8	83,300	346.9			2,700	11.2
3	69,500	289.5			62,400	259.9	88,000	366.5	26,800	111.6	8,600	35.8
4			37,300	155.4	52,600	219.1	32,000	133.3	64,200	267.4	5,500	22.9
5			72,300	301.1	54,500	227.0			73,400	305.7	6,100	25.4
6			70,000	291.5	42,600	177.4	36,000	149.9	66,500	277.0	23,500	97.9
7	48,100	200.3	69,500	289.5			74,400	309.9	63,700	265.3		
8	59,800	249.1	70,500	293.6	39,800	165.8	83,000	345.7	71,000	295.7		
9	55,400	230.7	35,000	145.8	51,200	213.2	63,400	264.1				
10	48,700	202.8			59,800	249.1	58,300	242.8	5,700	23.7		
11	54,100	225.3	37,200	154.9	54,700	227.8	47,900	199.5	84,600	352.4		
12	37,900	157.9	72,000	299.9	52,200	217.4	-		63,400	264.1	21,200	88.3
13			68,000	283.2	41,200	171.6			65,500	272.8	54,300	226.2
14	26,500	110.4	64,500	268.6			36,000	149.9	110,800	461.5	39,200	163.3
15	57,400	239.1	57,500	239.5	38,900	162.0	44,900	187.0	34,800	144.9	36,000	149.9
16	63,200	263.2	32,400	134.9	57,900	241.1	87,900	366.1			35,600	148.3
17	46,200	192.4					74,600	310.7	26,200	109.1	40,000	166.6
18	62,200	259.1	38,200	159.1	55,800	232.4	106,400	443.1	56,100	233.7	36,000	149.9
19	44,000	183.3	69,500	289.5	74,600	310.7	130,000	541.4	102,300	426.1	26,300	109.5
20			67,300	280.3	81,300	338.6	67,100	279.5	77,100	321.1	29,600	123.3
21	14,500	60.4	72,400	301.5			85,300	355.3	41,100	171.2	12,700	52.9
22	57,100	237.8	67,100	279.5	39,800	165.8	86,100	358.6	74,900	312.0		
23	47,800	199.1	36,800	153.3	75,500	314.5	104,200	434.0				
24	58,600	244.1			74,000	308.2	90,300	376.1	19,400	80.8		
25	56,000	233.2	41,700	173.7	86,100	358.6	109,000	454.0	50,800	211.6		
26	62,000	258.2	71,300	297.0	93,500	389.4			39,500	164.5		
27			64,800	269.9	41,900	174.5	15,100	62.9	31,300	130.4		
28	36,000	149.9	63,900	266.1			52,200	217.4				
29	42,400	176.6	67,500	281.1	39,600	164.9	67,200	279.9				
30	56,800	236.6	36,200	150.8	64,000	266.6	72,100	300.3				
31	37,600	156.6					83,200	346.5				
AVERAGE	50,784	211.5	57,338	238.8	57,188	238.2	72,085	300.2	56,100	233.7	25,153	104.8
</												

SAMOA PACKING COMPANY
6-MONTH OCEAN DUMPING REPORT - PERMIT OD 90-02 SPECIAL

WASTE STREAM: DAF SLUDGE

								90-02 PERMIT LIMIT	***** SUMMARY: 07/91 THRU 12/91 *****				
PARAMETER	UNITS	07/91	08/91	09/91	10/91	11/91	12/91		AVE. *****	RANGE *****	S.D. *****	C.V *****	
TOT. SOLIDS	mg/l	349,000	236,000	266,000	234,000	258,000	432,000	492,000	295,833	234,000 - 432,000	78,858	27%	
BOD 5	mg/l	246,000	132,000	108,000	232,000	n.a.	n.a.	443,840	179,500	108,000 - 246,000	69,635	39%	
TOT. PHOSPHORUS	mg/l	750	1,150	2,300	1,050	2,100	3,000	3,910	1,725	750 - 3,000	876	51%	
TOT. NITROGEN	mg/l	6,272	1,344	560	2,240	11,200	19,600	14,950	6,869	560 - 19,600	7,388	108%	
OIL & GREASE	mg/l	126,000	51,000	187,850	131,300	133,600	280,000	282,750	151,625	51,000 - 280,000	76,567	50%	
TVS	mg/l	337,000	219,000	246,000	227,000	236,000	421,000	308,700	281,000	219,000 - 421,000	80,927	29%	
DENSITY	g/ml	0.99	0.96	0.97	0.95	0.98	0.95	.85 - 1.08	0.97	0.95 - 0.99	0.02	2%	
AMMONIA	mg/l	1,220	1,000	830	1,090	1,400	1,130	2,570	1,112	830 - 1,400	194	17%	
pH	Std.	5.7	5.5	5.2	6.0	5.6	6.0	5.5 - 7.0	5.7	5.2 - 6.0	0.3	5%	
ALUMINUM	ug/l	67,700	92,200	83,900	37,600	78,000	44,000	---	67,233	37,600 - 92,200	22,069	33%	
CHROMIUM	ug/l	2,800	2,900	2,200	900	< 100	800	---	1,617	100 - 2,900	1,172	72%	
NICKEL	ug/l	1,100	2,100	2,500	400	1,800	1,000	---	1,483	400 - 2,500	783	53%	
COPPER	ug/l	4,500	8,700	9,700	3,800	12,000	4,700	---	7,233	3,800 - 12,000	3,366	47%	
LEAD	ug/l	3,100	3,900	3,700	< 40	4,100	< 40	---	2,480	40 - 4,100	1,919	77%	
CADMIUM	ug/l	770	1,200	1,100	100	2,000	590	---	960	100 - 2,000	644	67%	
MERCURY	ug/l	10.0	10.0	24.0	14.0	< 2.0	2.0	---	10.3	2.0 - 24.0	8.2	80%	
PETROLEUM HYDROCARBONS	mg/l	6,000	5,800	7,900	11,074	27,600	30,000	---	14,729	5,800 - 30,000	11,089	75%	

n.a. - Not Available

SAMOA PACKING COMPANY
6-MONTH OCEAN DUMPING REPORT - PERMIT OD 90-02 SPECIAL
WASTE STREAM: PRESS WATER

PARAMETER	UNITS	07/91	08/91	09/91	10/91	11/91	12/91	90-02 PERMIT LIMIT	* * * * * SUMMARY: 07/91 THRU 12/91 * * * * *				
									AVE.	RANGE	S.D.	C.V.	
TOT. SOLIDS	mg/l	202,000	235,000	282,000	165,000	163,000	41,000	463,780	181,333	41,000 - 282,000	82,143	45%	
BOD 5	mg/l	118,000	165,000	185,000	91,000	n.a.	n.a.	524,270	139,750	91,000 - 185,000	42,952	31%	
TOT. PHOSPHORUS	mg/l	1,400	1,950	1,650	1,950	2,100	2,200	6,860	1,875	1,400 - 2,200	298	16%	
TOT. NITROGEN	mg/l	7,000	4,200	3,920	3,920	8,960	11,200	32,020	6,533	3,920 - 11,200	3,066	47%	
OIL & GREASE	mg/l	32,000	41,000	143,410	15,100	42,600	8,000	386,480	47,018	8,000 - 143,410	49,222	105%	
TVS	mg/l	178,000	214,000	262,000	148,000	147,000	29,000	384,560	163,000	29,000 - 262,000	78,821	48%	
DENSITY	g/ml	1.02	0.97	1.06	1.02	1.02	1.00	.98 - 1.07	1.02	0.97 - 1.06	0.03	3%	
AMMONIA	mg/l	320	300	270	287	250	3,160	4,940	765	250 - 3,160	1,174	154%	
pH	Std.	5.9	5.9	6.0	6.3	6.5	6.0	5.5 - 7.0	6.1	5.9 - 6.5	0.2	4%	
ALUMINUM	ug/l	900	1,900	900	800	< 2,000	3,800	---	1,717	800 - 3,800	1,151	67%	
CHROMIUM	ug/l	270	310	420	300	< 100	< 100	---	250	100 - 420	127	51%	
NICKEL	ug/l	500	300	700	200	< 100	200	---	333	100 - 700	225	68%	
COPPER	ug/l	640	450	420	500	700	180	---	482	180 - 700	184	38%	
LEAD	ug/l	900	500	500	40	< 40	< 40	---	337	40 - 900	356	106%	
CADMIUM	ug/l	260	340	300	100	100	160	---	210	100 - 340	104	50%	
MERCURY	ug/l	10.0	< 5.0	16.0	5	2.0	6.0	---	7.3	2.0 - 16.0	5.0	68%	
PETROLEUM HYDROCARBONS	mg/l	740	344	1,600	216	< 560	290	---	625	216 - 1,600	515	82%	

n.a. - Not Available

SAMOA PACKING COMPANY

6-MONTH OCEAN DUMPING REPORT - PERMIT OD 90-02 SPECIAL

WASTE STREAM: PRECOOKER WATER

PARAMETER	UNITS	07/91	08/91	09/91	10/91	11/91	12/91	90-02 PERMIT LIMIT	***** SUMMARY: 07/91 THRU 12/91 *****				
									AVE.	RANGE	S.D.	C.V	
TOT. SOLIDS	mg/l	95,000	51,000	62,000	72,000	65,000	31,000	257,290	62,667	31,000 - 95,000	21,342	34%	
BOD 5	mg/l	37,000	35,000	30,000	40,000	33,000	n.a.	60,220	35,000	30,000 - 40,000	3,808	11%	
TOT. PHOSPHORUS	mg/l	1,025	1,150	575	725	900	1,250	2,170	938	575 - 1,250	256	27%	
TOT. NITROGEN	mg/l	1,820	1,750	2,240	700	6,020	3,500	20,820	2,672	700 - 6,020	1,873	70%	
OIL & GREASE	mg/l	3,000	11,300	48,630	2,100	7,800	7,800	207,830	13,438	2,100 - 48,630	17,573	131%	
TVS	mg/l	69,000	45,000	53,000	48,000	50,000	24,000	358,180	48,167	24,000 - 69,000	14,525	30%	
DENSITY	g/ml	1.03	0.99	1.04	1.02	0.99	0.99	.96 - 1.04	1.01	0.99 - 1.04	0.02	2%	
AMMONIA	mg/l	200	110	110	225	120	1,380	2,740	358	110 - 1,380	503	141%	
pH	Std.	5.9	6.2	6.1	6.3	6.4	6.0	5.5 - 7.0	6.2	5.9 - 6.4	0.2	3%	
ALUMINUM	ug/l	1,300	1,900	< 500	200	< 2,000	2,400	---	1,383	200 - 2,400	880	64%	
CHROMIUM	ug/l	90	250	130	100	< 100	< 100	---	128	90 - 250	61	48%	
NICKEL	ug/l	300	400	100	100	100	300	---	217	100 - 400	133	61%	
COPPER	ug/l	230	160	150	300	300	160	---	217	150 - 300	71	33%	
LEAD	ug/l	900	700	600	< 40	< 40	< 40	---	387	40 - 900	392	101%	
CADMIUM	ug/l	260	160	200	200	100	120	---	173	100 - 260	59	34%	
MERCURY	ug/l	9.0	< 5.0	7.0	< 3.0	5.0	4.0	---	5.5	3.0 - 9.0	2.2	39%	
PETROLEUM HYDROCARBONS	mg/l	65	< 50	350	33	< 112	132	---	124	33 - 350	117	95%	

n.a. - Not Available

POLYMER AND ALUM ADDED (LBS)

[illegible]

**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT
OCEAN DUMPING PERMIT**

PERMIT NUMBER AND TYPE: OD 90-02 Special

EFFECTIVE DATE: July 31, 1990

EXPIRATION DATE: July 30, 1993

PERMITTEE: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATOR: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATED AT: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

WASTE TRANSPORTER: Pago Marine, Inc.
MV ASTRO
Pago Pago, American Samoa

A special ocean dumping permit is being issued to VCS Samoa Packing Company because the Regional Administrator of EPA Region 9 has determined that disposal of fish processing wastes off American Samoa meets EPA's ocean dumping criteria at 40 C.F.R. Parts 227 and 228. This special permit authorizes the transportation and dumping into ocean waters of fish processing wastes as described in the special conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 et seq.) as amended (hereinafter referred to as "the Act"); regulations issued thereunder; and the terms and conditions set forth below.

This MPRSA Special Permit does not contain any information collection requirements subject to Office of Management and Budget review under the Paper Work Reduction Act of 1980, 44 U.S.C. § 3501 et seq. This determination has been made because the permit does not require data collection by more than 10 persons.

1. GENERAL CONDITIONS

1.1. Operation under this special ocean dumping permit shall conform to all applicable federal statutes and regulations including, but not limited to, the Act, the Ocean Dumping Ban Act of 1988 (PL 100-688), the Marine Plastic Pollution Research and Control Act of 1987 (PL 100-220), the Clean Water Act (33 U.S.C. § 1251 et seq.), and the Ports and Waterways Safety Act (33 U.S.C. § 1221 et seq.)

1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. VCS Samoa Packing Company (hereafter referred to as "the permittee") shall be liable for compliance with all such terms and conditions. The permittee shall be held liable under § 105 of the Act (33 U.S.C. § 1415) in the event of any violation of the permit. During disposal operations when the permittee's wastes are combined with similar wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, all companies shall be held individually liable under § 105 of the Act (33 U.S.C. § 1415) in the event of any violation of the permit.

1.3. Under § 105 of the Act, any person who violates any provision of the Act, 40 C.F.R. Parts 220 through 228 promulgated thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than \$50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 C.F.R. Parts 220 through 228, or the permit may result in a criminal action being brought with penalties of not more than \$50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:

1.3.1. Transportation to, and dumping at any location other than that defined in Special Condition 2.2 of this permit;

1.3.2. Transportation and dumping of any material not identified in this permit, more frequently than authorized in this permit, or in excess of those quantities identified in this permit, unless specifically authorized by a written modification hereto;

1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 3.3.1, 4.7 and 5.1; or

1.3.4. Failure to file waste stream and disposal site monitoring reports as required in Special Conditions 3.3, 4.7, 5.2 and 5.3.

1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, the territorial sea, or the contiguous zone, the following materials:

1.4.1. High-level radioactive wastes;

1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare;

1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean; or

1.4.4. Medical wastes as defined in § 3(k) of the Act.

1.4.5. Flotables, garbage, domestic trash, waste chemicals, solid waste, or any materials prohibited by the Ocean Dumping Ban Act or the Marine Plastic Pollution Research and Control Act.

1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards.

1.6. After notice and opportunity for a hearing, this permit may be revised, revoked or limited, in whole or in part, subject only to the provisions of 40 C.F.R. §§ 222.3(b) through 222.3(h) and 40 C.F.R. § 223.2, as a result of a determination by the Regional Administrator of EPA that:

1.6.1. The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 C.F.R. § 228.10(c)(1);

1.6.2. There has been a change in circumstances relating to the management of the disposal site designated in Special Condition 2.2;

1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards;

1.6.4. The dumping authorized can no longer be carried out consistent with the criteria set forth in 40 C.F.R. Parts 227 and 228;

1.6.5. The permittee violated any term or condition of the permit;

1.6.6. The permittee misrepresented, or failed to accurately disclose all relevant facts in the permit application; or

1.6.7. The permittee failed to keep records, engage in monitoring and reporting activities, or to notify appropriate officials in a timely manner of the transportation and dumping activities as specified in any condition of this permit.

1.7. The permittee shall ensure at all times that facilities, including any vessels associated with the permit, are in good working order to achieve compliance with the terms and conditions of this permit. During all transportation and loading operations, there shall not be a loss of fish processing wastes to any waterway or during transport to the disposal site.

1.8. Any change in the designated waste transporter may be made at the discretion of the Regional Administrator or his delegate, provided that a written request for such a transfer be made by the permittee at least thirty (30) days prior to the requested transfer date.

1.9. The permittee shall allow the Regional Administrator of EPA Region 9, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Director of the American Samoa Environmental Protection Agency (ASEPA), and/or their authorized representatives:

1.9.1. To enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

1.9.2. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

1.9.3. To inspect any dumping equipment, navigational equipment, monitoring equipment or monitoring methods required in this permit;

1.9.4. To sample or require that a sample be drawn, under EPA, USCG, or ASEPA supervision, of any materials discharged or to be discharged; or

1.9.5. To inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.

1.10. Material which is regulated by this permit may be disposed of, due to an emergency, to safeguard life at sea in locations or in a manner that does not comply with the terms of this permit. If this occurs, the permittee shall make a full report, in accordance with the provisions of 18 U.S.C. § 1001, within 15 days to the EPA Regional Administrator, the USCG and the ASEPA describing the conditions of this emergency and the actions taken, including the nature and amount of material disposed.

1.11. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property

or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.

1.12. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the undertaking of any work in any navigable waters.

1.13. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 C.F.R. Parts 220 through 228, issued thereunder.

2. SPECIAL CONDITIONS - DISPOSAL SITE AND WASTE CHARACTERIZATION

These conditions are required to define the length of the permit period, identify the disposal site location, describe the waste materials and define maximum permitted limits for each waste material.

2.1. Location of the Waste Generator and Duration of the Permit

2.1.1. The material to be dumped shall consist of fish processing wastes, defined in Special Conditions 2.3 and 2.4, which are materials generated at the permittee's fish cannery in Pago Pago, American Samoa.

2.1.2. This permit shall become effective on July 31, 1990 and it shall expire three years from the effective date at midnight on July 30, 1993.

2.2. Location of Disposal Site

Disposal of fish processing wastes generated at the location defined in Special Condition 2.1.1 shall be confined to a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

2.3. Description of Fish Processing Wastes

2.3.1. During the term of this permit, and in accordance with all other terms and conditions of this permit, the permittee is authorized to transport for disposal into ocean waters quantities of fish processing wastes that shall not exceed the following amounts:

Fish Processing Wastes	Amount
Dissolved Air Flotation (DAF) Sludge	60,000 gallons/day
Precooker Water	100,000 gallons/day
Press Water	40,000 gallons/day
Total Maximum Daily Volume	200,000 gallons/day

2.4. Waste Material Limitations

2.4.1. Permitted Physical and Chemical Constituents

Fish Processing Waste	Total Permitted Daily Volume To Be Dumped	Permitted Maximum Concentration Per Constituent ^a
DAF Sludge ^b	60,000 gal/day	Total Solids
		492,000 mg/L
		BOD ₅
		443,840 mg/L
		Total Phosphorus
		3,910 mg/L
		Total Nitrogen
Precopker Water ^b	100,000 gal/day	14,950 mg/L
		Oil and Grease
		282,750 mg/L
		Tot. Vol. Solids
		308,700 mg/L
		Density ^c
		0.85 to 1.08 g/ml
Press Water ^b	40,000 gal/day	Ammonia
		2,570 mg/L
		Total Solids
		257,290 mg/L
		BOD ₅
		60,220 mg/L
		Total Phosphorus
		2,170 mg/L
		Total Nitrogen
		20,820 mg/L
		Oil and Grease
		207,830 mg/L
		Tot. Vol. Solids
		358,180 mg/L
		Density ^c
		0.96 to 1.04 g/ml
		Ammonia
		2,740 mg/L
		Total Solids
		463,780 mg/L
		BOD ₅
		524,270 mg/L
		Total Phosphorus
		6,860 mg/L
		Total Nitrogen
		32,020 mg/L
		Oil and Grease
		386,480 mg/L
		Tot. Vol. Solids
		384,560 mg/L
		Density ^c
		0.98 to 1.07 g/ml
		Ammonia
		4,940 mg/L

a = All calculated values were rounded to the nearest 10, except the density range.

b = Gamma = 0.95, P = 0.95 (see Special Condition 2.4.2)

c = Density ranges were calculated based on two standard deviations from the average of research permit data adjusted for outliers.

2.4.2. Permitted Maximum Concentrations for each type of waste were calculated based on an analysis of historical data from the permittee's previous research permits. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled "Guidance Document for Ocean Dumping Permit Writers" (January 30, 1988). EPA Region 9 will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region 9 will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R §§ 223.2 to 223.5.

2.4.3. The pH range for all fish processing wastes shall not be less than 5.5 pH units nor greater than 7.0 pH units.

2.4.4. The Permitted Maximum Concentration and pH limits, listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF WASTE MATERIAL

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of each of the waste streams permitted for ocean disposal. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Any sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Waste Material

3.1.1. Concentrations of the constituents listed in Special Condition 2.4 and those listed in the table below shall be determined for each waste stream. A sample of each waste stream shall be taken before the individual streams are mixed prior to being pumped into the disposal vessel. A sample shall consist of three replicate samples, taken on the day that sampling is scheduled, which are pooled to be used as a composite sample. The detection limits specified in the table shall be used in all waste stream analyses.

Parameters	Detection Limits
Total Solids ^a	10.0 mg/L
BOD ₅	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Oil and Grease	10.0 mg/L
pH	0.1 pH units
Total Volatile Solids	10.0 mg/L

Parameters (cont.)	Detection Limits
Density	0.01 g/mL
Ammonia	1.0 mg/L
Aluminum	0.01 mg/L
Chromium	0.01 mg/L
Nickel	0.01 mg/L
Copper	0.01 mg/L
Lead	0.01 mg/L
Cadmium	0.01 mg/L
Mercury	0.01 mg/L
Total Petroleum Hydrocarbons ^b	0.05 mg/L

a = Limits for Total Solids will be calculated when enough data are available.

b = Infrared Spectrophotometry, EPA Method 418.1

3.1.2. All waste material sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed in accordance with guidelines specified by EPA Region 9. The following references shall be used by the permittee:

3.1.2.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.2.2. Tetra Tech, Incorporated 1985. Summary of U.S. EPA-approved Methods, Standard Methods and Other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, Wa.; and

3.1.2.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.1.3. Any waste material constituents listed in Special Condition 3.1.1 that are shown to be consistently nondetectable, may be eliminated from further analytical tests. Before elimination of the parameter is permitted, the permittee shall obtain written approval from EPA Region 9 and the ASEPA.

3.2. Analytical Laboratory

3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region 9 approval.

3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region 9 approval.

3.2.3. EPA Region 9 may require analyses of quality control samples by any laboratories employed for purposes of compliance with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region 9 with the analytical results from such samples.

3.2.4. A complete analysis of constituents, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region 9 and the ASEPA whenever there is a change in the quality of the waste, process configuration, or waste treatment. If deemed necessary by EPA Region 9, bioassays shall be required in addition to constituent analyses.

3.3. Reporting

3.3.1. The permittee shall provide EPA Region 9, ASEPA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the Western Pacific Regional Fishery Management Council (WPRFMC) with a report, prepared every 6 months during the permit period, that contains the following information:

3.3.1.1. Daily volumes of DAF sludge, press water and precooker water removed from the permittee's facility, and loaded into the disposal vessel reported in gallons per day and tons per day;

3.3.1.2. Monthly waste stream analyses demonstrating that the waste materials being dumped comply with the permitted limits of constituents listed in Special Condition 2.4;

3.3.1.3. Monthly analyses of the additional parameters listed in Special Condition 3.1; and

3.3.1.4. The monthly amount of coagulant polymer and alum added to the waste streams reported in pounds.

3.3.2. Such reports, including a statistical analysis of parameter variability and comparison with the permit limits, shall be submitted to EPA Region 9, ASEPA, NMFS, USFWS and WPRFMC within 45 days of the end of the preceding 6-month period for which they were prepared. The reports shall be submitted within this time unless extenuating circumstances are communicated to EPA Region 9 and the ASEPA in writing.

3.3.3. A summary report of all 6-month reports listed in Special Condition 3.3.1, including a statistical analyses of parameter variability, comparisons with permit limits and a detailed discussion of the summary results, shall be submitted by the permittee to EPA Region 9 and the ASEPA 45 days after the permit expires.

3.3.4. Upon detection of a violation of any permit condition, the permittee shall send a written notification of this violation to EPA Region 9 and the ASEPA within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days. This notification shall pertain to any permit limits, defined in Special Condition 2.4, that are exceeded; and any disposal operation that occurs outside the disposal site defined in Special Condition 2.2.

3.3.5. One year from the effective date of this special permit, the permittee shall submit a report to EPA Region 9 and ASEPA on the concentrations of heavy metals and petroleum hydrocarbons that have been measured in each of the waste streams since 1986. This report shall contain the following information:

3.3.5.1. All data obtained from waste stream analyses measured at the permittee's plant, including means, standard deviations and statistical analyses;

3.3.5.2. Evaluation of the accuracy and precision of the data provided by the permittee's contractor, including quality assurance/quality control data, and measures necessary to improve the accuracy and precision of data reported to EPA Region 9 and ASEPA;

3.3.5.3. Engineering analysis of the source of these heavy metals and petroleum hydrocarbons;

3.3.5.4. Proposed methods or requirements for reducing concentrations of these heavy metals and petroleum hydrocarbons in the waste streams by factors of 10%, 50% and 95%. These proposals should include plant engineering and economic analyses for each level of reduction.

3.3.5.5. EPA Region 9 and ASEPA will evaluate the report to determine possible requirements for plant modification, waste stream treatment or other special conditions to eliminate the concentrations of heavy metals and petroleum hydrocarbons in the permittee's waste streams.

3.3.6. One year from the effective date of this special permit, the permittee shall submit a report to EPA Region 9 and ASEPA on the accuracy and precision of all data reported from 1980 to the present for waste stream flows and analyses of the waste streams, including DAF sludge, press water and precooker water. These data shall include test results for total solids, 5-day biological oxygen demand, total phosphorus, total nitrogen, oil and grease, pH, total volatile solids, density and ammonia, not heavy metals or petroleum hydrocarbon concentrations. This report shall contain the following information:

3.3.6.1. All data obtained from waste stream analyses measured at the permittee's plant, including means, standard deviations, regression analysis and time-series analysis;

3.3.6.2. Evaluation of the accuracy and precision of the data provided by the permittee's contractor, evaluation of all laboratory quality assurance/quality control reports, and measures necessary to improve the accuracy and precision of the data reported to EPA Region 9 and ASEPA; and

3.3.6.3. EPA Region 9 and ASEPA will evaluate the report to determine possible requirements to improve sample or data analyses for the permittee's waste streams.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specifications for vessel operations are required to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all dumping activities.

Fish processing wastes from the permittee's waste streams and those of other authorized permittees may be loaded into the disposal vessel together. If the waste transported to the disposal site is a combination of materials from the two plants, then the companies shall each be liable for all permit conditions regarding disposal of the wastes. If the wastes disposed at the site are only fish processing wastes generated at the permittee's plant, then the permittee shall be solely liable for all permit conditions pertaining to the disposal operation. The volume of material loaded into the disposal vessel by the permittee shall be reported as specified in Special Condition 4.7.2.3.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which will be used for the transportation and dumping authorized by this permit. If the dumping vessel is an unmanned barge, the permit or true copy of the permit shall be transferred to the towing vessel.

4.2. Vessel Identification

Every vessel engaged in the transportation of wastes for ocean disposal shall have its name and number painted in letters and numbers at least fourteen (14) inches high on both sides of the vessel. The name and number shall be kept distinctly legible always, and a vessel without such markings shall not be used to transport or dump waste material.

4.3. Determination of the Disposal Location Within the Dump Site

On each disposal trip, the master of the disposal vessel shall determine the location of the disposal operation as follows:

4.3.1. The disposal vessel, as defined under WASTE TRANSPORTER on page 1 of this permit, shall proceed directly to the center of the disposal site at the location specified in Special Condition 2.2.

4.3.2. The master of the vessel shall observe the conditions at the dump site center, noting the vessel's position (latitude and longitude), wind direction and observed surface current direction.

4.3.3. After the conditions defined in Special Condition 4.3.2 have been recorded, the master of the disposal vessel shall proceed 1.1 nautical miles up current from the center of the disposal site and record the position of the disposal vessel (latitude and longitude). This position shall be the starting point for the disposal operation for the trip.

4.3.4. This procedure shall be repeated for each disposal trip.

4.3.5. The master of the disposal vessel shall prepare a navigational plot of the procedures defined in Special Conditions 4.3.1 to 4.3.3 and supply these to the permittee. The permittee shall submit these plots in the 6-month reports required under Special Condition 3.3.1. The navigational plot shall include:

4.3.5.1. The disposal vessel's course during the entire dumping operation; and

4.3.5.2. The times and location of entry and exit from the disposal site, position and time of arrival at the center of the disposal site, position and time of arrival at the location 1.1 nautical miles up current from the center of the disposal site, beginning and ending of dumping, and disposal vessel position plotted every 15 minutes while dumping.

4.3.6. The master of the disposal vessel shall sign and date each plot.

4.3.7. The master of the disposal vessel shall certify that disposal occurred in the manner required by the permit.

4.4. Disposal Rate and Vessel Speed

4.4.1. The disposal vessel/barge shall discharge the material authorized by this permit beginning at the disposal location as determined by Special Condition 4.3.3. Disposal shall only be authorized within the dump site boundaries on a line 1.0 nautical miles on either side of the starting point determined in Special Condition 4.3.3. The entire disposal vessel track shall be 2.0 nautical miles. The vessel track shall be in a direction that is perpendicular to the current detected at the center of the disposal site as defined in Special Condition 2.2.

4.4.1.1. From June 1 through November 30, the disposal operation at the location plotted in Special Condition 4.3.3. shall be conducted at a rate of 140 gallons per minute per knot, not to exceed 1,400 gallons per minute at a maximum speed of 10 knots.

4.4.1.2. From December 1 through May 31, the disposal operation at the location plotted in Special Condition 4.3.3. shall be conducted at a rate of 120 gallons per minute per knot, not to exceed 1,200 gallons per minute at a maximum speed of 10 knots.

4.5. Navigational Equipment

The permittee shall employ an onboard electronic positioning system (see reference below) to fix the position of the disposal vessel accurately during all dumping operations. This system is subject to advance approval by EPA Region 9 and the U.S. Coast Guard Liaison Office (CGLO), Pago Pago 15 days after the effective date of the permit.

The following reference should be used in evaluating the electronic positioning system:

Environmental Protection Agency. 1987. Evaluation of Survey Positioning Methods for Nearshore Marine and Estuarine Waters. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-003.

4.6. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists and written authorization is obtained from the CGLO Pago Pago or the ASEPA prior to departure. EPA Region 9 shall be notified no later than 15 working days after the emergency in a written report of the situation.

4.7. Reporting of the Ocean Dumping Vessel Operations

4.7.1. The waste transporter shall maintain and the permittee shall submit copies of a monthly transportation and dumping logbook, including plots of all information requested in Special Condition 4.7.2, to EPA Region 9, CGLO Pago Pago, and the ASEPA as part of the 6-month report.

4.7.2. The logbook shall contain the following information for each waste disposal trip:

4.7.2.1. Permit number, date and serial trip number;

4.7.2.2. The time that loading of the vessel commences and ceases in Pago Pago Harbor;

4.7.2.3. The volume of each waste loaded into the disposal vessel from each fish cannery;

4.7.2.4. The time and navigational position that dumping commences and ceases;

4.7.2.5. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a plot on a navigational chart of the vessel's course defined in Special Condition 4.3.5;

4.7.2.6. Observe, note and plot the time and position of any flutable material;

4.7.2.7. Observe, note and plot the wind speed and direction every 30 minutes while dumping wastes at the designated disposal site;

4.7.2.8. Observe and note current direction at the beginning and end of the disposal trip, and the direction of the waste plume at the end of the disposal operation;

4.7.2.9. Observe, note and plot the presence of the previous disposal plume and any unusual occurrences during the disposal trip, or any other information relevant to the assessment of environmental impacts as a result of dumping activities; and

4.7.2.10. Any unusual occurrences noted under Special Condition 4.7.2.9 shall be highlighted in the report defined in Special Condition 3.3.1.

5. SPECIAL CONDITIONS - DUMP SITE MONITORING

The monitoring program for disposal of wastes in the ocean must document effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; compliance with EPA's Ocean Dumping Regulations; and determine compliance with permit terms and conditions. Revisions to the monitoring program may be made under the direction of EPA Region 9 at any time during the permit term, in compliance with 40 C.F.R. §§ 223.2 and 223.3. This may include a reduction or increase in the number or parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

Implementation of the disposal site monitoring program and all segments of the monitoring program specified in Special Condition 5 and Appendix A shall be the responsibility of the permittee.

5.1. Monitoring Program

The permittee is required to conduct the monitoring program specified by EPA Region 9, defined in Appendix A, as a means of determining the environmental impacts of ocean dumping of the waste. If possible, monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. The permittee shall notify the ASEPA at least 48 hours before any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region 9, the ASEPA, NMFS, USFWS and WPRFMC with the 6-month reports as specified in Special Condition 3.3.2. The reports shall include: neatly compiled raw data for all sample analyses, quality assurance/quality control data, statistical analysis of sample variability between stations and within samples for each parameter, and a detailed discussion of the results.

5.3. Final Summary Report

5.3.1. A report shall be submitted to EPA Region 9, ASEPA, NMFS, USFWS and WPRFMC 60 days after the permit expires. This report shall summarize all of the data collected during the waste material and dump site monitoring programs specified in this special permit.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a summary of previous ocean disposal activities),

5.3.2.2. Location of Study Sites,

5.3.2.3. Materials and Methods,

5.3.2.4. Results and Discussion (including comparisons and contrasts with previous data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions, and

5.3.2.6. References.

5.4. Quality Assurance/Quality Control

5.4.1. All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall comply with the EPA Region 9-specified protocols and references listed in Special Condition 3.1.2.

5.4.2. The qualifications of the on-site Principal Investigator in charge of the field monitoring operation at the dump site shall be submitted to EPA Region 9 and the ASEPA for approval before the initial monitoring cruise. Notification of any change in this individual shall be submitted to EPA Region 9 and ASEPA at least 7 days before the cruise is scheduled.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to U.S. Coast Guard

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 and the ASEPA at 633-2304 during working hours (7:00 a.m. to 3:30 p.m.) no later than 24 hours prior to the estimated time of departure for the dump site defined in Special Condition 2.2.

6.1.2. The waste transporter shall immediately notify CGLO Pago Pago and the ASEPA upon any changes in the estimated time of departure greater than two hours.

6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or a ASEPA shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised whether or not a shiprider will be assigned to the waste transporter's disposal vessel.

6.1.4. The following information shall be provided to CGLO Pago Pago or the ASEPA in the notification of sailing defined above:

6.1.4.1. The time of departure,

6.1.4.2. Estimated time of arrival at the dump site,

6.1.4.3. Estimated time of departure from the dump site, and

6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

6.2.1. Two copies of all reports and related correspondence required by General Condition 1.9, Special Conditions 3.2, 3.3, 4.7, 5.2, 5.3, 5.4, and all other materials, including applications shall be submitted to EPA Region 9 at the following address:

Office of Pacific Island and Native American Programs
(E-4)
U.S. Environmental Protection Agency, Region 9
1235 Mission Street
San Francisco, California 94103
Telephone (415) 556-5069

6.2.2. Two copies of all reports required by General Condition 1.9 and Special Conditions 4.7 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799
Telephone (684) 633-2299

6.2.3. Three copies of all reports required by General Condition 1.9 and Special Conditions 3.2, 3.3, 4.7, 5.2, 5.3, 5.4 and 6.1 sent to the American Samoa Environmental Protection Agency shall be submitted to the following address:

Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799
Telephone (684) 633-2304

6.2.4. One copy of the all reports required by Special Conditions 3.3.2, 3.3.3, 5.2 and 5.3 shall be sent to the USFWS, the NMFS and the WPRFMC at the following addresses:

Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822-2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Signed this 16th day of July, 1990

For the Regional Administrator:

Harry Seraydarian
Harry Seraydarian
Director
Water Management Division
U.S. EPA, Region 9

APPENDIX A

SPECIAL OCEAN DUMPING PERMIT OD 90-01 OCEAN DUMP SITE MONITORING PLAN

7. MONITORING OF RECEIVING WATER

Monitoring of the receiving waters at the disposal site defined in Special Condition 2.2 shall be the responsibility of the permittee. Funding and cooperation for site monitoring may be accomplished through an agreement between permittee and other permittees authorized to use the disposal site. Any agreements negotiated between the permittee and other authorized permittees shall be the sole responsibility of the permittee named in this permit. EPA Region 9 requires that a monitoring program be developed that complies with the conditions defined below.

During each monitoring cruise, the waste plume from the disposal vessel shall be sampled by taking discrete water samples for the measurement of parameters listed in Special Condition 7.2.4. Results of the first 6-month monitoring report will be evaluated by EPA Region 9 to determine whether portions of Special Conditions 7 and/or 8 will be revised. The evaluation will be based on documented sampling results and recommendations by the permittee(s).

7.1. Location of Water Sampling Stations

7.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined and plotted using appropriate navigational equipment.

7.1.2. The Principal Investigator shall ensure that discrete water samples are taken at the locations marked in Figure 1.

7.1.3. The Principal Investigator shall ensure that each sampling station is positioned as close as possible to the middle of the discharge plume according to his best professional judgment.

7.1.4. The following stations shall be sampled on each sampling cruise (see Figure 1):

7.1.4.1. Station 1 shall be the starting point of the dumping operation as determined in Special Condition 4.3.

7.1.4.2. Station 2 shall be 0.25 nautical miles (nm) down-current from Station 1.

7.1.4.3. Station 3 shall be 0.5 nm down-current from Station 1.

7.1.4.4. Station 4 shall be 1.0 nm down-current from Station 1.

7.1.4.5. Station 5 shall be at the leading edge of the discharge plume, but within the plume.

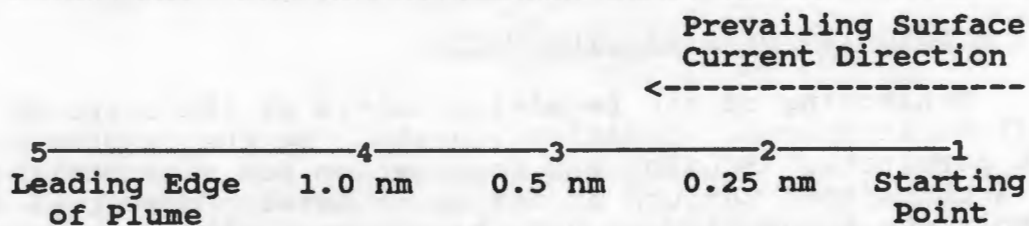


Figure 1. Orientation of Sample Stations (Top View) in the Middle of the Discharge Plume Visually Identified at the Time of Sampling.

7.2. Water Column Characteristics to Be Measured

7.2.1. Discrete water samples at Stations 1, 2, 3, 4, and 5 shall be taken at depths of 1, 3, and 10 meters from the surface at the middle of the plume visually identified by the Principal Investigator.

7.2.2. Surface water conditions shall be recorded at all stations including:

7.2.2.1. Wind speed and direction;

7.2.2.2. Current direction and wave height; and

7.2.2.3. Observations of waste, color (e.g., Forel-Ule color scale), odor, floating materials, grease, oil, scum, and foam.

7.2.3. Water samples shall be obtained using a self-closing 3-liter water sample device at each depth listed in 7.2.1.

7.2.4. Water column parameters analyzed from discrete samples taken at the depths listed in 7.2.1 shall include:

Parameters	Detection Limits
Total Suspended Solids	0.1 mg/L
Total Volatile Suspended Solids	0.1 mg/L
Total Phosphorus	0.001 mg/L
Total Nitrogen	0.001 mg/L
Oil and Grease	0.001 mg/L
Ammonia ^a	0.001 mg/L
pH	0.1 pH units

a = samples should be acidified to pH <2 with sulfuric acid and refrigerated at 4°C until analysis.

7.2.5. If waste stream analyses, described in Special Condition 3.1, identify significantly high levels of constituents that may adversely affect marine water quality, EPA Region 9 may require that those constituents be added to the list of water column parameters in 7.2.4 above.

7.2.6. Temperature measurements shall be taken at depths of 1, 3, and 10 meters at the starting point of the disposal operation, as defined in Special Condition 4.3.3.

7.3. Frequency of Sampling

7.3.1. Water samples shall be collected when dumping operations occur. Each station listed under Special Condition 7.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.

7.3.2. Control samples shall be taken at Station 1 prior to dumping activities.

7.3.3. Station 1 shall be sampled at a point within the plume immediately after discharge operations cease.

7.3.4. Stations 2 through 5 shall be sampled consecutively at distances indicated in Special Condition 7.1.4 to allow efficient sampling of the discharge plume. The time between each sample and the sampling location, beginning with the control sample and ending with the sample collected at the leading edge of the plume, shall be recorded.

7.4. Water Quality Criteria and Standards

7.4.1. The limited permissible concentration (LPC) of the liquid phase of the waste material shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC is that concentration of the material which, after allowance for initial mixing as defined at 40 C.F.R. § 227.29, does not exceed applicable American Samoa Oceanic Water Quality Standards. EPA Region 9 and the ASEPA will evaluate the LPC based on EPA's Ocean Dumping Regulations and the water quality values obtained for the stations sampled during the tenure of this permit.

7.4.2. The following standards apply to American Samoa oceanic water:

Parameter	Median not to exceed given value
Turbidity (NTU)	0.20
Total Phosphorus (ug-P/L)	11.00

Parameter (cont.)	Median not to exceed given value
Total Nitrogen (ug-N/L)	115.00
Chlorophyll a (ug/L)	0.18
Light Penetration Depth (feet)	150*
Dissolved Oxygen (DO)	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of DO is less than 5.5 mg/L, then the natural DO shall become the standard.
pH	The range shall be 6.5 to 8.6 pH units and within 0.2 pH units of that which would occur naturally.

*To exceed the given value 50% of the time.

8. MONITORING OF BIOLOGICAL COMMUNITIES

8.1. Pelagic Resources

8.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

- 8.1.1.1. Time, location and bearing;
- 8.1.1.2. Species name(s); and
- 8.1.1.3. Approximate number of individuals.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

19 MAY 1992

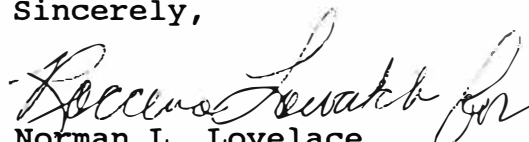
Michael P. Macready
General Manager
VCS Samoa Packing Company
P.O. Box 957
Pago Pago, American Samoa 96799

Dear Mr. Macready:

Enclosed please find a copy of the fully executed consent agreement and final order on consent assessing civil penalty from VCS Samoa Packing Company for violation of the Marine Protection, Research and Sanctuaries Act. This copy is for your files. We have received the penalty payment of \$2,000 from your company as ordered by this agreement.

Should you have any questions regarding this matter, please contact Pat Young, American Samoa Program Manager at (415) 744-1591, or you may call Christopher Sproul, Assistant Regional Counsel, at (415) 744-1394.

Sincerely,


Norman L. Lovelace
Chief, Office of Pacific Island
and Native American Programs

Enclosure

cc: Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Jim Cox, Van Camp Seafood Company, Inc.
Christopher Sproul, EPA ORC
Patrick Cotter, W-7-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

19 MAY 1992


Michael P. Macready
General Manager
VCS Samoa Packing Company
P.O. Box 957
Pago Pago, American Samoa 96799

Dear Mr. Macready:

Enclosed please find a copy of the fully executed consent agreement and final order on consent assessing civil penalty from VCS Samoa Packing Company for violation of the Marine Protection, Research and Sanctuaries Act. This copy is for your files. We have received the penalty payment of \$2,000 from your company as ordered by this agreement.

Should you have any questions regarding this matter, please contact Pat Young, American Samoa Program Manager at (415) 744-1591, or you may call Christopher Sproul, Assistant Regional Counsel, at (415) 744-1394.

Sincerely,


Norman L. Lovelace
Chief, Office of Pacific Island
and Native American Programs

Enclosure

cc: Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Jim Cox, Van Camp Seafood Company, Inc.
Christopher Sproul, EPA ORC
Patrick Cotter, W-7-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

19 MAY 1992

D. H. Silk
President
Pago Marine, Inc.
P.O. Box 4058
Pago Pago, American Samoa 96799

Dear Mr. Silk:

Enclosed please find a copy of the fully executed consent agreement and final order on consent assessing civil penalty from Pago Marine, Inc. for violation of the Marine Protection, Research and Sanctuaries Act. This copy is for your files. We have received the penalty payment of \$500 from your company as ordered by this agreement.

Should you have any questions regarding this matter, please contact Pat Young, American Samoa Program Manager at (415) 744-1591, or you may call Christopher Sproul, Assistant Regional Counsel, at (415) 744-1394.

Sincerely,

A handwritten signature in cursive script, which appears to read "Norman L. Lovelace for".

Norman L. Lovelace
Chief, Office of Pacific Island
and Native American Programs

Enclosure

cc: Pati Faiiai, ASEPA
Sheila Wiegman, ASEPA
Jim Cox, Van Camp Seafood Company, Inc. (w/o enclosure)
Christopher Sproul, EPA ORC
Patrick Cotter, W-7-1

1 Christopher A. Sproul
2 Assistant Regional Counsel
3 U.S. Environmental Protection Agency
4 Region IX
5 75 Hawthorne Street
6 San Francisco, California 94105
7 (415) 744-1394
8

9 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
10 REGION IX
11
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14

15 In the matter of)	Docket No. MPRSA-IX-91-01
16)	
17 STARKIST SAMOA, INC., VCS)	CONSENT AGREEMENT AND FINAL
18 SAMOA PACKING COMPANY, and)	ORDER ON CONSENT ASSESSING
19 PAGO MARINE, INC.)	ADMINISTRATIVE CIVIL PENALTY
20 Respondents.)	
21)	

22 CONSENT AGREEMENT

23 The UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
24 REGION IX ("EPA Region IX" or "EPA") has issued an Administrative
25 Complaint for the Assessment of Civil Penalty In the Matter of
26 Starkist Samoa, Inc., VCS Samoa Packing Company, and Pago Marine,
27 Inc., Docket No. MPRSA-IX-91-01, pursuant to section 105(a) of

1 the Marine Protection, Research and Sanctuaries Act ("MPRSA")
2 alleging that the RESPONDENTS STARKIST SAMOA, INC. ("StarKist"),
3 VCS SAMOA PACKING COMPANY ("VCS"), and PAGO MARINE, INC. ("Pago
4 Marine") have violated the MPRSA. The EPA, StarKist, VCS and
5 Pago Marine having entered into this Consent Agreement,

6 NOW, THEREFORE, EPA, StarKist, VCS, and Pago Marine
7 HEREBY STIPULATE AS FOLLOWS:

8 1. Section 105(a) of the MPRSA authorizes EPA to
9 assess administratively a civil penalty against any person who
10 violates the Act or a permit issued pursuant to the Act of not
11 more than \$50,000 per violation. 33 U.S.C. § 1415(a). The
12 Administrator has delegated this authority to EPA Regional
13 Administrators. 40 C.F.R. § 220.4(b). The Regional
14 Administrator, Region IX has redelegated this authority to the
15 Director of the Water Management Division, Region IX.

16 2. Each day of a continuing violation, as well as the
17 unauthorized dumping from each vessel, constitutes a separate
18 MPRSA offense that may be subject to assessment of a penalty of
19 up to \$50,000. MPRSA § 105(c); 33 U.S.C. § 1415(c). In
20 assessing a penalty for any violations, EPA must take into
21 account the gravity of the violations, any prior violations, and
22 any good faith efforts to comply with the MPRSA after being
23 notified of violations. MPRSA § 105(a), 33 U.S.C. § 1415(a).

24 3. StarKist is a California corporation with its
25 principal place of business located in Pago Pago, American Samoa
26 and as such is a person within the meaning of the MPRSA. 33
27 U.S.C. §§ 1402(e) and 1411(a). StarKist is authorized to dispose

1 fish processing wastes into the Pacific Ocean near American Samoa
2 at a designated dump site by MPRSA Permit No. OD 90-01 Special.

3 4. VCS is a corporation with its principal place of
4 business located in Pago Pago, American Samoa and as such is a
5 person within the meaning of the MPRSA. 33 U.S.C. §§ 1402(e) and
6 1411(a). VCS is authorized to dispose fish processing wastes
7 into the Pacific Ocean near American Samoa at a designated dump
8 site by MPRSA Permit No. OD 90-02 Special.

9 5. Pago Marine is an American Samoa corporation with
10 its principal place of business located in Pago Pago, American
11 Samoa and as such is a person within the meaning of the MPRSA.
12 33 U.S.C. §§ 1402(e) and 1411(a). MPRSA Permits Nos. OD 90-01
13 and 90-02 Special ("the Permits") name Pago Marine as the waste
14 transporter of the fish processing wastes that StarKist and VCS
15 dump into the Pacific Ocean pursuant to the Permits. On all
16 disposal trips, Pago Marine disposes of commingled fish
17 processing wastes from StarKist and VCS.

18 6. EPA Region IX brought this action to assess civil
19 penalties for alleged violations committed by StarKist, VCS, and
20 Pago Marine of MPRSA section 101(a), 33 U.S.C. § 1411(a), and the
21 Permits issued pursuant to MPRSA section 102, 33 U.S.C. § 1412.
22 EPA alleged that StarKist, VCS, and Pago Marine violated the
23 MPRSA and the Permits by failing to adhere to Special Conditions
24 4.3 and 4.4 of the Permits.

25 7. Special Conditions 4.3 and 4.4 of the Permits
26 require that on all ocean dumping operations authorized under the
27 Permits, the disposal vessel must proceed to the center of the

1 designated ocean dump site, determine the prevailing current, and
2 then proceed 1.1 nautical miles up current from the center of the
3 disposal site before commencing dumping. The intent of this
4 requirement is to maximize the dispersion of wastes within the
5 designated dump site and to ensure that currents do not carry the
6 wastes beyond the authorized dump site boundaries. EPA has
7 alleged that the respondents failed to conduct dumping operations
8 as required by Special Conditions 4.3 and 4.4 of the Permits on
9 each of 145 separate disposal vessel trips between August 7, 1990
10 and January 31, 1991.

11 8. For their violations alleged in the Complaint,
12 StarKist and VCS shall each pay to the United States a civil
13 penalty of \$2,000. In addition, StarKist and VCS shall each
14 contribute \$6,000 to the Supplemental Environmental Project
15 described in paragraph 10.

16 9. For its violations alleged in the Complaint, Pago
17 Marine shall pay to the United States a civil penalty of \$500 and
18 contribute \$1,000 to the Supplemental Environmental Project
19 described in paragraph 10.

20 10. The Supplemental Environmental Project referred to
21 in paragraphs 8 and 9 shall be the Enhanced Marine Pollution
22 Surveillance Project described in the attached Memorandum of
23 Understanding between EPA and the American Samoa Environmental
24 Quality Commission (Exhibit 1).

25 11. To satisfy their civil penalty liability under
26 this Consent Agreement, StarKist and VCS shall tender money
27 orders or certified checks in the amount of \$2,000, and Pago
28

1 Marine shall tender a money order or certified check in the
2 amount of \$500, made payable to the Treasurer, United States of
3 America. StarKist, VCS and Pago Marine shall tender these money
4 orders or checks via certified mail within thirty (30) days of
5 receiving service of this Consent Agreement and Final Order on
6 Consent to:

7 U.S. Environmental Protection Agency
8 Region IX
9 Regional Hearing Clerk
P.O. Box 360863M
Pittsburgh, PA 15251

10 and mail photocopies via certified mail of the money orders or
11 checks to:

12 Regional Hearing Clerk
13 U.S. Environmental Protection Agency
14 Region IX
75 Hawthorne Street
San Francisco, CA 94105

15 Christopher A. Sproul
16 Office of Regional Counsel, RC-2-4
17 U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
18 San Francisco, CA 94105

19 In accordance with the Debt Collection Act of 1982, interest
20 shall accrue on any unpaid penalties that are due and payable
21 under this paragraph at the interest rate published by the U.S.
22 Treasury. Such interest shall be tendered along with any late
23 penalty payments in the same manner as specified above.

24 12. To satisfy their obligation to contribute to the
25 Supplemental Environmental Project described in paragraph 10,
26 StarKist and VCS shall tender money orders or certified checks in
27 the amount of \$6,000, and Pago Marine shall tender a money order

1 or certified check in the amount of \$1,000, made payable to
2 Department of Treasury, American Samoa Government (Oil Spill
3 Trust Fund, Account No. 180). StarKist, VCS and Pago Marine
4 shall tender these money orders or checks along with a cover
5 letter modeled after the attached sample letter (Exhibit 2) via
6 certified mail within thirty (30) days of receiving service of
7 this Consent Agreement and Final Order on Consent to:

8 Ace Tago
9 Director
10 Department of Treasury
American Samoa Government
Pago Pago, American Samoa 96799

11 and mail photocopies via certified mail of these money orders or
12 checks to:

13 Regional Hearing Clerk
14 U.S. Environmental Protection Agency
Region IX
15 75 Hawthorne Street
San Francisco, CA 94105

16 Christopher A. Sproul
17 Office of Regional Counsel, RC-2-4
18 U.S. Environmental Protection Agency
Region IX
19 75 Hawthorne Street
San Francisco, CA 94105

20 13. StarKist, VCS and Pago Marine shall each pay to
21 the United States, upon written demand of EPA, a stipulated
22 penalty of \$150 for any violations of Special Conditions 4.3 and
23 4.4 of the Permits that occur after the execution of this Consent
24 Agreement until the expiration date of the Permits, July 30,
25 1993.

26 14. Notwithstanding the payment of any stipulated
27 penalty pursuant to the preceding paragraph, EPA shall retain any
28

1 and all enforcement authority, including the right to seek civil
2 and/or criminal penalties or fines and civil injunctive relief,
3 that it would otherwise have against StarKist, VCS, or Pago
4 Marine for violations of the MPRSA occurring subsequent to the
5 execution of this Consent Agreement.

6 15. Within thirty (30) days of receiving service of
7 this Consent Agreement and Final Order on Consent, StarKist and
8 VCS shall ensure that the Captain(s) of the disposal vessel(s)
9 used on any and all ocean dumping operations authorized by the
10 Permits has received all instruction necessary for navigating the
11 disposal vessel(s) in the manner required by Special Conditions
12 4.3 and 4.4. StarKist and VCS shall submit to EPA a certified
13 statement or statements from the Captain(s) indicating that the
14 Captain(s) have received this instruction and that the Captain(s)
15 understand the requirements of Special Conditions 4.3 and 4.4,
16 are capable of ensuring compliance with these conditions, and
17 will, to the best of their ability, ensure that the conditions
18 are met.

19 16. If new Captain(s) are hired to pilot disposal
20 vessel(s) while the Permits are in effect, StarKist and VCS
21 shall, before these Captain(s) are allowed to pilot disposal
22 vessel(s), provide instruction to these new Captain(s) and secure
23 certified statement(s) from them in the same manner as required
24 in the preceding paragraph for the current Captain(s).

25 17. The responsibility to meet the requirements of
26 paragraphs 15 and 16 shall be the joint obligation of StarKist
27 and VCS. If StarKist and VCS fail to complete the requirements
28

1 of paragraphs 15 and 16 by the deadlines established by those
2 paragraphs, then StarKist and VCS shall each pay to the United
3 States, upon written demand from EPA, a stipulated penalty of
4 \$100 per day until the requirements of paragraphs 15 and 16 are
5 met.

6 18. StarKist, VCS, and Pago Marine shall not deduct
7 the civil penalties or Supplemental Environmental Project
8 contributions provided for in paragraphs 8, 9, 11-13 and 17 from
9 their income for purposes of federal, state or local income tax.

10 19. Payment of the civil penalties and contributions
11 to the Supplemental Environmental Project referred to in
12 paragraphs 8, 9, and 11-12, together with adherence to all
13 additional requirements of this Consent Agreement and
14 accompanying Final Order on Consent, shall constitute full
15 satisfaction of any and all MPRSA civil penalty liability for
16 StarKist, VCS, and Pago Marine for the MPRSA violations alleged
17 in the Complaint.

18 20. Nothing in this Consent Agreement shall in any way
19 limit any right that EPA might otherwise have to seek injunctive
20 relief against StarKist, VCS and Pago Marine for violations of
21 any provision of federal law. Except as otherwise provided in
22 paragraph 19 of this Consent Agreement, EPA retains all legal
23 rights and remedies it would otherwise have against StarKist, VCS
24 and Pago Marine for violations of any provision of federal law.

25 21. StarKist, VCS, and Pago Marine neither admit nor
26 deny liability for any of the violations alleged by EPA in the
27 Complaint in this Matter.

22. In entering this Consent Agreement, EPA, StarKist, VCS, and Pago Marine hereby waive any and all rights to an appeal of the Order on Consent to be entered in this Matter.

23. If StarKist, VCS, or Pago Marine disputes any claim made by EPA for stipulated penalties pursuant to this Consent Agreement, StarKist, VCS or Pago Marine shall state this in writing to EPA and request a hearing before EPA Region IX's Regional Judicial Officer within thirty (30) days of receiving EPA's demand for stipulated penalties. Failure to adhere to this requirement shall constitute waiver of any right to contest or appeal stipulated penalty liability. The decision made by the Regional Judicial Officer following a hearing on any stipulated penalties dispute shall be binding and shall not be appealed by EPA, StarKist, VCS or Pago Marine to any administrative or judicial authority.

FOR THE CONSENTING PARTIES:

Date

5/14/92
Harry Seraydarian
Director, Water Management Division
U.S. Environmental Protection Agency,
Region IX

Date

4.8.92
Maurice W. Callaghan
President and General Manager
StarKist Samoa, Inc.

Date

~~Michael P. MacReady~~
~~General Manager~~
~~VCS Samoa Packing Company~~

22. In entering this Consent Agreement, EPA, StarKist, VCS, and Pago Marine hereby waive any and all rights to an appeal of the Order on Consent to be entered in this Matter.

23. If StarKist, VCS, or Pago Marine disputes any claim made by EPA for stipulated penalties pursuant to this Consent Agreement, StarKist, VCS or Pago Marine shall state this in writing to EPA and request a hearing before EPA Region IX's Regional Judicial Officer within thirty (30) days of receiving EPA's demand for stipulated penalties. Failure to adhere to this requirement shall constitute waiver of any right to contest or appeal stipulated penalty liability. The decision made by the Regional Judicial Officer following a hearing on any stipulated penalties dispute shall be binding and shall not be appealed by EPA, StarKist, VCS or Pago Marine to any administrative or judicial authority.

FOR THE CONSENTING PARTIES:

Date

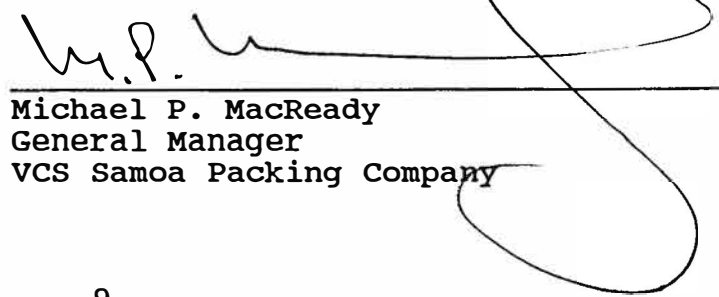
~~Harry Seraydarian~~
~~Director, Water Management Division~~
~~U.S. Environmental Protection Agency,~~
~~Region IX~~

Date

~~Maurice W. Callaghan~~
~~President and General Manager~~
~~StarKist Samoa, Inc.~~


4-1-92

Date


Michael P. MacReady
General Manager
VCS Samoa Packing Company

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3-20-92
Date


With Power of Attorney for:

D.H. Silk
President
Pago Marine, Inc.

1 FINAL ORDER ON CONSENT

2 EPA Region IX, StarKist, VCS, and Pago Marine having entered
3 into the foregoing Consent Agreement,


4 IT IS HEREBY ORDERED THAT:

5 1. StarKist and VCS shall each pay a civil penalty of
6 \$2,000 and Pago Marine shall pay a civil penalty of \$500 to the
7 Treasurer of the United States of America as specified in the
8 Consent Agreement.

9 2. StarKist, VCS and Pago Marine shall adhere to all
10 further requirements of the Consent Agreement, including the
11 requirements to contribute to a Supplemental Environmental
12 Project, instruct disposal vessel Captain(s) on proper disposal
13 requirements and submit the required certified statements from
14 disposal vessel Captain(s), pay stipulated penalties for permit
15 and/or Consent Agreement violations upon written demand from EPA
16 unless successfully contested as provided for in the Consent
17 Agreement, and refrain from claiming the penalties or
18 contributions required under the Consent Agreement as deductions
19 from income for federal, state, or local income tax purposes.

20 3. This order constitutes full adjudication of the
21 Complaint against StarKist, VCS, and Pago Marine issued by EPA in
22 this Matter. This order shall remain in effect until MPRSA
23 Permits Nos. OD 90-01 and OD 90-02 Special expire on July 30,
24 1993.

25 5-18-92
Date



Steven W. Anderson
Regional Judicial Officer
U.S. Environmental Protection Agency,
Region IX

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE ENVIRONMENTAL
QUALITY COMMISSION CONCERNING THE
SAMOA PACKING CO. AND STAR KIST SAMOA INC. SUPPLEMENTAL
ENVIRONMENTAL PROJECT**

I. OBJECTIVE

The U.S. Environmental Protection Agency (USEPA) and Environmental Quality Commission (EQC) seek to implement a Supplemental Environmental Project in lieu of civil fines collected from VCS Samoa Packing Co. and Star Kist Samoa Inc. for violations of Special Ocean Dumping Permits OD 09-01 and OD 90-02 respectively, dated July 31, 1990. The purpose of this Memorandum of Understanding (MOU) is to clarify the roles and responsibilities regarding the Supplemental Environmental Project, Enhanced Marine Pollution Surveillance.

II. USEPA ROLE AND RESPONSIBILITIES

- A. Funding in the amount of \$13,000 will be collected by USEPA for implementation of this project from Pago Marine, Inc., Samoa Packing Co., and Star Kist Samoa, Inc. in lieu of civil fines. This will be deposited in the Oil Spill Trust Fund, American Samoa Government Account No. 180, which is administered by the Executive Secretary, EQC.
- B. USEPA, Region 9, Office of Pacific Island and Native American Programs, will provide guidance and oversight as necessary to EQC for implementation of the Supplemental Environmental Project.
- C. Approval in writing from Norman L. Lovelace, Chief, Office of Pacific Island and Native American Programs, USEPA Region 9, will be obtained for all expenditures.

III. EQC ROLE AND RESPONSIBILITIES

- A. EQC will be responsible for planning, implementation, and follow up of the Enhanced Marine Pollution Surveillance Project.
- B. EQC will be responsible through the Marine Enforcement Unit and EQC staff for meeting the following functions of the project.
 - 1. Complete an increased number of routine and unplanned vessel, cannery facility, and wharf inspections for pollution violations.
 - 2. Monitor on a more frequent basis vessels, facilities, and the wharf by boat spontaneously on a 24-hour basis for pollution violations.

3. Routinely and spontaneously monitor the ocean dumping of cannery sludge for compliance with Special Ocean Dumping Permits No. OD 90-01 and OD 90-02.
 4. Provide staff support, equipment and training to effectively carry out the above increased functions.
 5. Complete a pamphlet for all vessels in English, Chinese, Korean, and Samoan outlining pollution and marine laws.
- C. EQC will determine the frequency and schedule necessary to effectively prevent pollution violations. A plan (see Attachment A) to carry out the functions listed in B. above will be submitted to USEPA for approval within 30 days of the effective date of the settlement agreement.
- D. The EQC will provide a report with recommendations to the canneries, its waste transporter, and the USEPA outlining corrections or improvements on the waste disposal operation six months after initiation of the project.
- E. The MEU shall continue its increased inspection and monitoring activities to insure implementation of its recommendations by the canneries and associated vessels. The EQC will document the effectiveness of the project in a report submitted 12 months after initiation of the project detailing the success of the project through frequency of inspections, the number and type of violations cited, the number and type of pollution events, the amount of fines collected, and reports on cannery ocean dumping.

IV. ACCOUNTING PROCEDURES


- A. Funds for this project will be deposited in the Oil Spill Trust Fund Account, American Samoa Government Treasury Department Account No. 180 to be administered by the Executive Secretary, EQC. A separate accounting of the total amount of this project, \$13,000, will be maintained by the EQC Executive Secretary. Disbursements will be made from this fund only for expenses related to this project upon authorization by the EQC Executive Secretary. Expenditures shall be made only with prior approval of Norman L. Lovelace, Chief, Office of Pacific Island and Native American Programs, EPA Region 9.
- B. The funds deposited in this account shall be utilized only for this project. A quarterly accounting of the funds will be provided to USEPA, Samoa Packing, Inc., Star Kist Samoa, and Pago Marine, Inc. within 30 days after the close of the quarter.
- C. The Executive Secretary of the EQC shall be responsible for providing reports on the fund disbursement and followup.

V. GENERAL PROVISIONS


- A. This MOU does not supplement or replace other understandings or arrangements between USEPA and EQC, or other responsibilities and duties of USEPA or EQC.
- b. This MOU may be modified from time to time by mutual consent and officially endorsed by the Director, Water Management Division of USEPA, Region 9 and Chairman of EQC.
- c. This MOU shall be effective upon signature by the Director, Water Management Division, USEPA, Region 9, and Chairman of EQC and shall remain in effect until terminated.

IN WITNESS WHEREOF, each of the parties hereto has executed this MOU as of the day and year first written below:

WITNESS:

BY: 
HARRY SERAYDARIAN, DIRECTOR
WATER MANAGEMENT DIVISION
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 9

DATE: 5/14/92

BY: 
WILLIAM P. COLEMAN, CHAIRMAN
ENVIRONMENTAL QUALITY COMMISSION

DATE: 11-29-91

ENHANCED MARINE POLLUTION SURVEILLANCE PROJECT PLAN

Introduction

The U.S. Environmental Protection Agency (ASEPA) has collected \$13,000 in fines from Star Kist Samoa, Samoa Packing Co., and Pago Marine for violations of Ocean Dumping Permit conditions. These funds will be utilized to conduct the Enhanced Marine Pollution Surveillance Project (EMPSP). The roles and responsibilities of the USEPA, the Environmental Quality Commission (EQC), and accounting procedures are contained in a Memorandum of Understanding between these agencies. This project will be completed by the Marine Enforcement Division (MED) and the EQC. The following plan outlines the objectives of this project and how they will be met.

Objectives and Activities

1. Complete an increased number of routine and unplanned vessel, cannery facility, and wharf inspections for pollution violations.

Presently, the MED patrols the areas within Pago Pago Harbor most vulnerable for pollution incidents by vehicle and foot three times daily. This will be increased to twice per shift for a 3 month period depending upon weather and staffing. Search and rescue and emergency response may take priority. Records of observations from inspections and the number of tickets issued will be reviewed after the three month period to determine the effect of increased patrols on compliance. In addition, patrols will be completed at staggered times to prevent anticipation by potential violators.

2. Monitor on a more frequent basis vessels, facilities, and the wharf by boat spontaneously on a 24-hour basis for pollution violations.

Patrols via inflatable or a Boston Whaler are made once per day depending upon the staffing. These patrols will be increased to twice per day and at varied times depending upon weather and staffing. Search and rescue and emergency response may take priority. Surveillance after dark will be made a priority. This will continue for a 3 month period after which a review of records will be completed to determine the effectiveness of the surveillance.

3. Routinely and spontaneously monitor the ocean dumping of cannery sludge for compliance with Special Ocean Dumping Permit Nos. OD 90-01 and OD 90-02.

Presently the MED monitors ocean dumping of sludge on at least a weekly basis. This will be increased to two to three times weekly or a six month period. Monitoring will include: 1) checking on the correct dump site via land bearings; 2) determining whether the correct dumping pattern is followed; and 3) determining that sludge is only disposed of at the dump site. A follow up evaluation of site reports will be completed at 3 months and again at 6 months to determine the necessity of the increased monitoring and

compliance with permit conditions.

4. Provide staff support, equipment, and training to effectively carry out the increased functions.

The EQC will work with the MED to ensure that adequate staffing and equipment are available to complete the increased patrols, surveillance, and monitoring described above.

5. The EQC in conjunction with the MED and the U.S. Coast Guard will complete a pamphlet which explains pollution and marine laws, penalties, and correct methods for disposal of vessel wastes. This will be translated through assistance of on island tuna vessel agents. Completion date for the pamphlet is 6 months from the start of the project. Distribution of the pamphlet will be provided by the MED, the Port Administration, and ship agents.
6. The EQC will review the outcome of increased monitoring after 3 months and provide recommendations to the MED on the feasibility and effectiveness of continuing the increased monitoring or whether additional monitoring is warranted.

PROJECT SCHEDULE

<u>Task</u>	<u>Responsible Party</u>	<u>Time for Completion</u>
1. 6 vehicle/foot patrols daily of vessels, canneries, and wharf	MED	3 months
2. 2 boat patrols daily	MED	3 months
3. 2 ocean dump site monitoring trips/week	MED	6 months
4. Review effectiveness of increased monitoring and provide recommendations	EQC, MED	3 mos., 6 mos.
5. Provide a report on fish processing waste disposal monitoring	EQC	6 months
6. Project report to USEPA	EQC	12 months
7. Complete multilingual pamphlet	EQC	6 months

Budget for Enhanced Marine Pollution Surveillance

1. Waterproof Binoculars (3 @ approx. \$325 each) \$1,000

The MED presently does not have any marine binoculars. Part of the increased surveillance/monitoring will be observations of possible violations of marine pollution laws which necessitate the ability to monitor these violations from afar, unobserved by the violators. Without binoculars, it would be very difficult, if not impossible, to conduct such surveillance.

2. 35 mm Camera/Telephoto Lens/Case \$1,500

The MED does not have any camera equipment necessary to carryout the additional surveillance duties for this project. The camera and telephoto lens are necessary to document violations of marine pollution laws for use as evidence in substantiating the violations. As in the justification for the binoculars, it is necessary to document these violations from afar, without being observed by the violators. Without this equipment and photo documentation, it will be more difficult to prove that violations occurred.

3. Marine and VHF Radio equipment \$3,500

The MED presently has VHF equipment installed on its boat; however, it needs additional communication equipment for the Zodiacs (large inflatable rafts) which will be utilized for surveillance in Pago Pago Harbor. Additionally, walkie-talkies are needed for each individual officer, as some of the enhanced surveillance and monitoring will be done on foot, along the pier and on the ships. Presently, each officer does not have his own walkie-talkie. Immediate communications are needed for all MED staff in order to coordinate surveillance activities, communicate potential violations and need for additional back-up if necessary.

4. MED Staffing \$6,000

This funding will be utilized for additional MED staffing to support the increased monitoring efforts.

5. Printing Costs for Marine Pollution Pamphlets \$1,000

- A. Development of 4-page pamphlet by ASEPA/MED on marine pollution laws and regulations, i.e.....explain generally which laws will be covered No cost

- B. Translation costs (Samoan, Chinese, Korean) \$ 200

- C. Printing costs (500 pamphlets/language @ \$200/set) \$ 800

NOVEMBER 25, 1991

Ace A. Tago
Director
Department of Treasury
American Samoa Government
Pago Pago, American Samoa 96799

Dear Mr. Tago:

Enclosed is a check for \$6,000 to support the Supplemental Environmental Project, Enhanced Marine Pollution Surveillance. This check is to be deposited in American Samoa Government Treasury Account No. 180, Oil Spill Trust Fund as agreed to in the Memorandum of Understanding Between the U.S. Environmental Protection Agency and the Environmental Quality Commission concerning the Samoa Packing Co. and Star Kist Samoa, Inc. Supplemental Environmental Project.

Sincerely,

Michael Macready
General Manager
Samoa Packing Co.

cc: Chairman, EQC
Executive Secretary, EQC



Mike Lee

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

July 22, 1991

Pati Faiai
Director
American Samoa Environmental
Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799

Dear Pati:

Enclosed please find a copy of the administrative complaint for the assessment of civil penalties that EPA Region 9 has filed against VCS Samoa Packing Company, StarKist Samoa, Inc. and Pago Marine, Inc. The complaint alleges that the two canneries and its transporter have violated the Marine Protection, Research and Sanctuaries Act by failing to adhere to all conditions of their ocean disposal permits issued by EPA Region 9. Copies of the transmittal letters and 40 CFR Part 22 (Rules and Procedures) are also enclosed for your information.

As you discussed with Pat Young, the canneries and Pago Marine are invited to discuss the possibility of entering into a consent agreement settling this matter and your office has indicated interest in participating in these discussions. We will keep your office informed on any settlement discussion arrangements when we hear from the respondents.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman L. Lovelace".

for Norman L. Lovelace
Chief, Office of Pacific Island and
Native American Programs

Enclosures

cc: Virginia Gibbons, AS Attorney General's Office
Chris Sproul, USEPA Region 9
Patrick Cotter, USEPA Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

22 JUL 1991 CERTIFIED MAIL P 057 506 636
RETURN RECEIPT REQUESTED

Michael P. MacReady
General Manager
VCS Samoa Packing Company
P.O. Box 957
Pago Pago, American Samoa 96799

Dear Mr. MacReady:

Enclosed is a copy of an administrative complaint for the assessment of civil penalties that EPA Region 9 has filed against VCS Samoa Packing Company, Inc. The complaint alleges that VCS Samoa has violated the Marine Protection, Research and Sanctuaries Act by failing to adhere to all conditions of its ocean disposal permit issued by EPA Region 9.

We invite you to discuss the possibility of entering into a consent agreement settling this matter. You may contact the staff attorney assigned to the matter, Christopher Sproul (415) 744-1322 or staff project officer Pat Young (415) 744-1591 to arrange for settlement discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry Seraydarian".

Harry Seraydarian
Division Director
Water Management Division

cc: James L. Cox, Van Cam Seafood Company, Inc.

Christopher A. Sproul
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105
(415) 744-1322

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

In the Matter of)	Docket No. MPRSA-IX-91-01
)	
STARKIST SAMOA, INC., VCS)	COMPLAINT FOR THE ASSESSMENT
SAMOA PACKING COMPANY, AND)	OF CIVIL PENALTIES
PAGO MARINE, INC.)	
)	
)	

STATUTORY AUTHORITY

1. Section 105(a) of the Marine Protection, Research and Sanctuaries Act ("MPRSA"), 33 U.S.C. § 1415(a), authorizes the Administrator of the Environmental Protection Agency ("EPA") to assess civil administrative penalties against any person who violates the Act, regulations promulgated thereunder, or permits issued pursuant to the Act. The Administrator has delegated this authority to EPA Regional Administrators. 40 C.F.R. § 220.4(b). The Regional Administrator, Region 9 has redelegated this authority to the Director of the Water Management Division, Region 9.

1 2. Proceedings to assess penalties for violations of the
2 MPRSA are governed by the Consolidated Rules of Practice
3 Governing the Administrative Assessment of Civil Penalties, 40
4 C.F.R. part 22.

5 3. Proceedings to assess penalties in the present case are
6 proper in that respondents have violated MPRSA section 101(a)(1),
7 33 U.S.C. § 1411(a)(1), and MPRSA Permit No. OD 90-01 Special
8 and/or MPRSA Permit No. OD 90-02 Special, which were duly issued
9 pursuant to MPRSA section 102, 33 U.S.C. § 1412.

10 PARTIES

11 4. Complainant is the United States Environmental
12 Protection Agency, Region IX ("EPA").

13 5. Respondent StarKist Samoa, Inc. ("StarKist") is a
14 California corporation with its principal place of business
15 located in Pago Pago, American Samoa and as such is a person
16 within the meaning of the MPRSA. 33 U.S.C. §§ 1402(e),
17 1411(a)(1).

18 6. Respondent VCS Samoa Packing Company ("VCS") is a
19 corporation with its principal place of business located in Pago
20 Pago, American Samoa and as such is a person within the meaning
21 of the MPRSA. 33 U.S.C. §§ 1402(e), 1411(a)(1).

22 7. Respondent Pago Marine, Inc. ("Pago Marine") is a
23 corporation with its principal place of business located in Pago
24 Pago, American Samoa and as such is a person within the meaning
25 of the MPRSA. 33 U.S.C. §§ 1402(e), 1411(a)(1).

26 VIOLATIONS OF THE MPRSA

27 8. StarKist is authorized by MPRSA Permit No. 90-01 Special

1 to dispose fish processing wastes generated at its cannery
2 located in Pago Pago, American Samoa into the Pacific Ocean near
3 American Samoa. Except as otherwise authorized by this Permit,
4 it is unlawful under MPRSA section 101(a), 33 U.S.C. § 1411(a),
5 for StarKist to transport any materials from its cannery for the
6 purpose of disposing these materials into ocean waters.

7 9. VCS is authorized by MPRSA Permit No. 90-02 Special to
8 dispose fish processing wastes generated at its cannery located
9 in Pago Pago, American Samoa into the Pacific Ocean near American
10 Samoa. Except as otherwise authorized by this Permit, it is
11 unlawful under MPRSA section 101(a), 33 U.S.C. § 1411(a), for VCS
12 to transport any materials from its cannery for the purpose of
13 disposing these materials into ocean waters.

14 10. Pago Marine is authorized by MPRSA Permits Nos. 90-01
15 Special and 90-02 Special to transport and dispose of fish
16 processing wastes generated at StarKist's and VCS's canneries
17 located in Pago Pago, American Samoa into the Pacific Ocean near
18 American Samoa. Except as otherwise authorized by this Permit,
19 it is unlawful under MPRSA section 101(a), 33 U.S.C. § 1411(a),
20 for Pago Marine to transport any materials from these canneries
21 for the purpose of disposing these materials into ocean waters.

22 11. Special Conditions 4.3 and 4.4 of MPRSA Permits Nos.
23 90-01 and 90-02 require StarKist, VCS and Pago Marine to perform
24 all disposal of fish processing wastes in a prescribed manner.
25 Specifically, on each disposal trip, the disposal vessel used for
26 dumping must proceed to the center of the ocean disposal site
27 specified in Special Condition 2.2 and determine the prevailing

1 ocean current. The master of the vessel must then proceed 1.1
2 nautical miles up current from the center of the disposal site
3 before commencing disposal. This point is defined by Special
4 Condition 4.3 as the "starting point" for disposal operations.
5 While disposing material, the disposal vessel must follow a track
6 defined as a line extending 1.0 nautical miles to either side of
7 the "starting point" and aligned perpendicular to the prevailing
8 current.

9 12. On 145 separate disposal vessel trips between August 7,
10 1990 and January 31, 1991, Pago Marine, on behalf of and with
11 authority from StarKist and VCS, transported and disposed of
12 commingled fish processing wastes from StarKist's and VCS's
13 canneries into ocean waters without adhering to Special
14 Conditions 4.3 and 4.4 of MPRSA Permits Nos. 90-01 Special and
15 90-02 Special. By so transporting and disposing of fish
16 processing wastes in a manner other than as authorized under
17 these MPRSA permits, StarKist, VCS and Pago Marine each committed
18 145 separate violations of MPRSA section 101(a), 33 U.S.C. §
19 1411(a) and a duly issued MPRSA permit.

20 PROPOSED CIVIL PENALTY

21 13. Section 105(a) of the MPRSA authorizes EPA to assess
22 administratively a civil penalty against any person who violates
23 the Act or a permit issued pursuant to the Act. 33 U.S.C. §
24 1415(c). A penalty of not more than \$50,000 may be assessed for
25 each violation. Id. In assessing a penalty, each day of a
26 continuing violation, and dumping from each vessel, constitutes a
27 separate offense. MPRSA section 105(c); 33 U.S.C. § 1415(c).

1 14. Taking into account the respondents' violations of the
2 MPRSA set forth above and the gravity of the violations, prior
3 violations (if any), and good faith efforts to achieve compliance
4 after notification of the violation, EPA proposes to assess
5 StarKist a penalty of \$10,000, VCS a penalty of \$10,000, and Pago
6 Marine a penalty of \$5,000.

7 15. Within thirty (30) days of a final Order Assessing
8 Administrative Penalties, StarKist, VCS, and Pago Marine shall
9 each tender money orders or certified checks via certified mail
10 in the amounts specified above made payable to the Treasurer,
11 United States of America to:

12 U.S. Environmental Protection Agency
13 Region IX
14 Regional Hearing Clerk
P.O. Box 360863M
Pittsburgh, PA 15251

15 and mail photocopies via certified mail of the money orders or
16 checks to:

17 U.S. Environmental Protection Agency
18 Region IX
19 Regional Hearing Clerk
75 Hawthorne Street
San Francisco, CA 94105

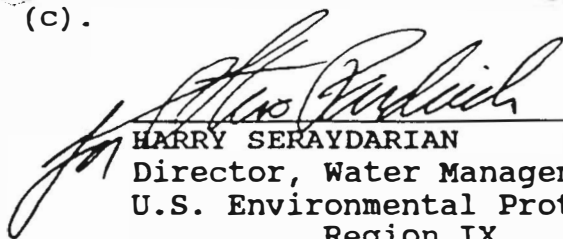
20 NOTICE OF OPPORTUNITY FOR HEARING

21 16. In accordance with MPRSA section 105(a), 33 U.S.C. §
22 1415(a), the EPA hereby gives notice to the StarKist, VCS, and
23 Pago Marine that they may request a hearing on this matter by
24 filing an Answer to this Complaint with the Regional Hearing
25 Clerk, U.S. Environmental Protection Agency, 75 Hawthorne Street,
26 San Francisco, CA 94105 via certified or first class mail within
27 twenty (20) days of receiving service of this Complaint. 40

1 C.F.R. § 22.15(a) and (c).

2 July 17, 1991

3 DATE



HARRY SERAYDARIAN

Director, Water Management Division

U.S. Environmental Protection Agency,
Region IX

75 Hawthorne Street

San Francisco, California 94105